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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

EDITED AND ABRIDGED BY

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INTRODUCTION.

The Convention of 1630.

The preceding volume of the Privy Council Register closed with an entry under the date July 27, 1630, and the present volume opens with August 3rd of the same year. During the intervening week an important event occurred: there met the first great National Council of the reign of Charles I. In a letter addressed by Charles to this Convention, he specifies the chief objects for which it had been summoned. These objects were mainly three: to make provision for his approaching visit to Scotland, to arrange the business which should demand his attention when he came, and, above all, to vote supplies which the state of the English Exchequer now made of urgent necessity. In response to the last demand the Convention agreed to impose a tax of thirty shillings on "everie pund land of old extent" for the space of four years—the tax to be levied annually at the term of Martinmas. The other Acts of the Convention have a more or less direct bearing on the business of the Privy Council recorded in the present volume, and in that connection they will call for specific notice.

Events of the Period.

The period before us extends from August 3, 1630, to December 31, 1631. The most important European event of the time, and one which had its own influence in Scotland, was the triumphant course of Gustavus Adolphus in the Thirty Years' War. In England the dominating facts were Charles's substitution of personal for Parliamentary government, the ascendency of Laud in ecclesiastical affairs, and the accession of Sir Thomas Wentworth, the champion of the policy of

"Thorough," to the cause of the King. In the history of Scotland during our period there is but one event recorded which has remained in the national memory—the Burning of the House of Frendraught (October 8, 1630). Of that tragedy it will be seen that there are vivid and abundant traces in the following pages. But if there were no outstanding political or ecclesiastical events to signalise the period, many indications suggest that a temper was growing in the country which foreshadowed the national revolt that was now so close at hand. The nobility as a class were no more reconciled than ever to the Act of Revocation, and they had another ground of discontent in the conspicuous place assigned to bishops in the direction of public affairs. To the people at large it was now conclusively revealed that Charles in his ecclesiastical policy meant to follow the example of his father, and even to outstrip him in his zeal for Episcopal forms and ceremonies. It was a further source of dissatisfaction to the nation at large that Charles had so long delayed his visit to receive his Scottish crown; and general indignation was provoked by a rumour that he never meant to come, and that the regalia were to be conveyed to Westminster, where the ceremony of the coronation could be more conveniently performed. Of this widespread discontent there is no direct suggestion in the present volume of the Register, but there are certain entries which are only intelligible when we remember that such discontent really existed.

The Council.

The first change to be noted in the Council is the admission (August 5, 1630) of Sir James Galloway, who had been Master of Requests both under Charles and James, and who was subsequently (1645) created Lord Dunkeld (p. 2). But the chief event in its history was its reconstruction on March 30, 1631 (pp. 187-190). With a few exceptions the new Council was identical with that which had been appointed at the beginning of the reign. If the new list be compared with that given in the Introduction to the preceding volume of the Register it will be found that the greater and lesser officials all kept their places, and that the clerks also remained the same. A few changes,

however, are worthy of note. The Marquis of Huntly was not among the new Councillors—a concession, we may suppose, to the anti-Catholic feeling of the late Council, to which Huntly had given so much concern by the open sympathies he had shown with his fellow-religionists. His place was filled by the Marquis of Hamilton, a personal favourite of Charles, but against whom we shall find a more serious charge brought than any that had been laid at the door of Huntly. In Charles's first Council four Englishmen had an honorary place, while in the reconstructed Council there was only one—James Hay, Earl of Carlisle, a Scot, however, by extraction. Archbishop Spottiswoode again headed the list, and with him were associated the Archbishop of Glasgow, and the Bishops of Dunkeld, Aberdeen, Ross, and Dunblane. The number of the new members was forty-six as against forty-seven in Charles's first Council.

The regulations prescribed by Charles for the conduct of business were the same as had been adopted in 1628 (Vol. II., Sec. Series, p. vii.). The Council was to meet in Holyrood House; seven were to constitute a quorum, of whom one must be the Chancellor or President; and in the absence of either of these officers the oldest Councillor was to preside. Again, as in his missive appointing his first Council, and almost in the same words, Charles gives strict directions for ensuring the attendance of members. It was to be the duty of the Chancellor or President to see that there should be full meetings when important business was on hand. In cases of special urgency the Chancellor or President was to summon those Councillors whose presence might be necessary, and, in the event of these Councillors disobeying the summons, they were to be censured by the Council, and their names reported to his Majesty. The powers assigned to the Council were those which it had gradually assumed under the régime of James VI., and may be briefly described as at once legislative, executive, and judicial.

In connection with this reconstruction of the Council, the question naturally rises—what necessity was there for the reconstruction when the new Council was practically the same as the old? There seems but one plausible answer to the question:

Charles wished to remind his Councillors that they held their offices solely at his pleasure and only on the condition of their deferring to his will—a fact, indeed, which had hardly been gainsaid for at least the last thirty years.

It was this new Privy Council that transacted the business recorded in the present volume of the Register. Between the date of its appointment and the last entry, however, the admission of four additional members has to be noted. These were John Lesly, Bishop of the Isles (p. 209), Sir Robert Ker, afterwards Earl of Ancrum (p. 248), Sir Robert Douglas (p. 263), and Sir John Hay of Lands, who took the place of Sir John Hamilton as Clerk Register (p. 590).

Contents of this Volume.

In the two preceding volumes of the Register there were two matters which took precedence of every other—the business connected with the Act of Revocation and the action of the Council in suppressing Roman Catholicism. Both of these matters have a place in the present volume, but it is now a place strictly subsidiary. The largest number of entries are those directly and indirectly referring to the great tragedy known as the "Burning of Frendraught." Next in point of numbers are the entries relating to Francis Stewart, son of the madcap Earl of Bothwell, who had made himself so notorious in the earlier half of the reign of James VI. Lord Ochiltree, accused of bringing a false charge of treason against the Marquis of Hamilton, also received a large share of attention. It is further noticeable that, in the portion of the Register before us, trade and industry were special objects of the Council's deliberations. To co-ordinate such a multitude of miscellaneous items is hardly possible, but as, perhaps, the clearest method of presentation, that adopted in the two previous Introductions will again be followed. After a survey of the most important legislation which the Register records, the outstanding incidents of the time will then be noted.

Domestic Legislation.

The Surrenders of Superiorities and Teinds.

As has just been said, there is but scanty reference in the present volume to the great business of the surrenders of

superiorities and teinds. Such entries as are to be found, however, show that the resistance to the Act of Revocation was as dogged as ever. The work that was supposed to be going on was the valuation of the stock and teinds on the church lands that had been revoked to the Crown. The machinery that existed for carrying on this work, it may again be noted, was a body of commissioners appointed to meet on stated occasions in Edinburgh, assisted by sub-commissioners in the various presbyteries, whose duty it was to report to the chief Commission such valuations as they had made in the intervals of its meetings. The Council had a means of pressure which, it might seem, should have effectually expedited the process of valuation: no persons were allowed to lead their teinds except such as had licence from the head Commission (pp. 304, 523). But, as a few indications will show, not even this power of coercion availed to stimulate the dilatory commissioners. On February 1, 1631, a new set of chief commissioners was nominated (p. 131), and on August 26th of the same year a meeting was appointed for the 1st of November following. The 1st of November came, and not a single bishop on the Commission (there were four of them in all) made his appearance. In a peremptory letter, addressed to each of them, the Council summoned the delinquent ecclesiastics to appear before them on the 22nd of the same month "to answer upon thair neglect": should they fail to present themselves they were informed that each and all of them would be put to the horn (p. 348). If the members of the chief Commission thus misconducted themselves the sub-commissioners were not more exemplary in the performance of their duties. For example, under date 1st March, 1632, we find a batch of fifteen conveners and their clerks put to the horn for failing to give in their report at the last meeting of the Commission in Edinburgh (p. 438). In spite of all delays, however, we are led to conclude that the process of valuation was now nearing an end.

Papists in the North.

In the preceding volume of the Register it is recorded how the Council made a strenuous effort to rid the country once

for all of the leaven of papistry. By confirming the existing penal laws, by the appointment of special commissioners to search out and deal with all suspected persons, by emphatic representations to his Majesty that his kingdom of Scotland was endangered by the growing numbers and audacity of his Roman Catholic subjects, the Council had done its best to accomplish this end. We now learn, however, that the Papists in Aberdeenshire are carrying their heads as high as ever, and are sorely troubling the bishop and the commissioner of the diocese. Of some half a dozen entries relating to the subject, only one seems to call for special notice. This is a report presented to the Council from the Synod of Aberdeen on the continued evil-doings of Papists within its bounds. The report divides them into two classes, both equally mischievous. The one consisted of those who were under sentence of banishment for their religion, but stubbornly refused to leave the country; the other, of such as had gone into exile, but by false representations to his Majesty had cozened him into permitting their return. The object of the report is to show what evil results had followed from the open defiance of the laws by these two classes of Papists. One result, the report stated, was specially to be deplored: many who had been on the point of coming over to the true religion had now become so obstinate that they were prepared to abide "the last dint of excommunication," horning, and banishment, in the belief that any penalties they might suffer would be merely temporary. The Council heartily identified itself with the "grievance" of the diocese of Aberdeen, and sent its report to Charles with an emphatic expression of sympathy in its favour (pp. 508-510).

Prominent Papists.

As usual, we find certain prominent Roman Catholics marked out for special dealing. It was one of the penal laws against Catholics that their children should be removed from their charge, and placed where they might receive a sound Protestant upbringing. The law was chiefly aimed at Catholic nobles, but, as we have seen in the preceding volumes of the Register, these nobles generally contrived by a variety of ingenious devices to

elude its application. Not for the first time the Earl of Nithsdale, as being "vehementlie suspected in his religion," was ordered to produce his son, Lord Maxwell, before the Council that it might provide for his education in the religion of his country (p. 363). The Earl was strictly charged to appear with his son on an appointed day, but when the day came he sent a procurator instead with the information that his son had been "many days" in England before the charge had been delivered (p. 396). One of the most prominent and active of the Aberdeen Papists was Dr. William Leslie, physician to the Queen. The Council had long had its eyes upon him, and he had already been prosecuted for saying and hearing mass. When the present volume opens he had become bound to leave the country by a day not later than August 10, 1630 (p. 2). His exile was not of long duration; by a special licence of the King he was permitted to return "to administer physic" to the Marquis of Huntly, who, it appears, had no confidence in any other practitioner except Leslie (p. 71). Sorely against its will the Council was constrained to give its sanction to this licence, but it did not lose sight of the priest-physician. Under date July 26, 1632, we find him again in trouble for a breach of the conditions on which he had been permitted to return. The licence had been granted on the conditions that he should "behave himselfe modestlie" and confine his medical attentions to the Marquis. In the opinion of the Council he had not behaved himself modestly, and, moreover, he had given others the benefit of his skill besides Huntly. Accordingly, he was again summoned to answer for his misdemeanours, but, safeguarded as he was by his interest at Court, the Council could only enjoin him "to carie himself soberlie" in the future (pp. 514-516).—Dame Marion Boyd, Countess of Abercorn, was another Papist who had long tried the patience of the Council. Its former dealings with her may be followed in the Indexes to the previous volumes of the Register, and we have now a further record of the attentions to which she was subjected. First, we have a petition from the Earl, her son, that she might be permitted to return to look after his affairs, which had gone all astray owing to his absence from the country. The

petition was granted on condition that she should "conteane herself within her loodging," and "have conference with the ministrie" (p. 83). This licence was granted on 9th December, 1630, but by the following March the Countess found that she could not finish her business without a visit to her house at Paisley, and she accordingly prayed the Council that she might be permitted to sojourn in that town for a season. To this petition the Council also acceded, and, after some delay owing to illness, the Countess took up her abode in Paisley (p. 285). She found her stay there uncomfortable for two reasons: the house in which she lived was out of repair and undesirable as a place of residence for one in her delicate state of health, and the ministers were "not content that she should remain in the neighbourhood." In these circumstances she came forward with still another supplication: might she be allowed to spend the winter in the Canongate as a more desirable place of residence? She received the necessary permission, but only after her son, the Master of Paisley, had become caution for her good behaviour in all matters relating to religion.—It was the rank and connections of Lady Abercorn that protected her from the rigorous application of the laws against Roman Catholics; those of humbler condition were not treated with the same consideration. We have a remarkable example of this in the case of one Margaret Garioch who describes herself as "ane poore, aged, decrepit woman." For religious offences she had been long warded in the Tolbooth of Aberdeen, and she offered to the Council that, if she were granted her liberty, she would either conform or quit the kingdom. "Aged and decrepit" though she was, the Council must have considered her as a highly dangerous person, since it accepted the latter alternative and enjoined the bishop and magistrates of Aberdeen to see that her banishment was carried into effect (p. 83). Still another prominent recusant was Sir John Ogilvie of Craig, who is described as "ane excommunicat and rebellious Papist." For "his scandalous behaviour" he had been successively warded in Edinburgh Castle, and restricted to Edinburgh and St. Andrews. On his promise of amendment he had been permitted to return to his place of Craig, but there he had behaved more

"scandalously" than ever, and he was again condemned to confine himself to the bounds of St. Andrews (p. 337). From a pitiful appeal he made to the Council, however, we learn that he did not reach that town. Owing to a "dissinesse in his head," he was unable to travel on horseback, and had to be led on foot by two men. "With great trouble" he got as far as Dundee, where he was prostrated by so severe a sickness that he looked only for death. Only "the wholesome and free air" of Craig could restore him, and he prayed that he might be allowed to return there, so that at least he might die with his wife and children around him. His prayer was granted, but on stringent conditions: he was not to move beyond two miles from his house; his children and domestics were "to resort to the kirk everie Sabboth"; for himself he was to remain within doors on that day, and he was not to reset Jesuits or mass priests—all under the penalty of a thousand pounds (p. 384).

Administration of Justice.

There are but few entries in the present volume regarding the administration of justice. In the two preceding volumes of the Register we have seen that the Council, at the suggestion of the King, had assiduously applied itself to the establishment of a system of Circuit Courts. In the portion of the Register before us, however, we have but one mysterious entry regarding these Courts. At page 12 we read that "the Lords thinkes fit that the holding of Circuit Courts for this yeere [1630] sall be forborne" —no reason being given for the prohibition. As usual, we find Lord Lorne (afterwards the great Marquis of Argyle) showing a keen jealousy regarding his rights as Justiciar of the Isles. The Sheriff of Bute had taken it upon him to apprehend certain persons accused of witchcraft in that island, and to crave a commission from the Council to try them. Indignant at this encroachment on his jurisdiction, Lorne appealed to the Council, with a result that must have been entirely to his satisfaction (p. 425). At a later date we find the Council granting him full powers to exact fines except in cases when they were "high and great"—the Council in these last cases reserving the privilege of regulating them (p. 459). Finally, in connection with Lorne and

his justiciarship we have Charles himself charging the Councillors to support him in the discharge of his office whenever such support was lawful and necessary (p. 574).—Still in connection with law, we find that an old dispute has again arisen regarding the terms to be kept by the Court of Session. In 1587 it had been ordained that the Court was to sit from 1st November to 15th March, and from 15th May to 15th August (Acts of Parl. of Scotland, III., 447). A proposal had been made to alter these terms, but the burgh of Edinburgh made such a vigorous protest against the suggested change, that at Charles's instance the matter was postponed till the next meeting of the Estates (pp. 178, 218). The most interesting entries connected with law are those relating to the appointment of a Commission for "surveying" the written and unwritten sources from which the laws of the country were derived. There had already been many such Commissions, but none of them had borne much fruit. In 1628 Charles had himself nominated a Commission, but though it appears to have met for deliberation (Vol. II., Sec. Series, p. 491), it had apparently fallen into abeyance, as we now find another Commission appointed for the same object (p. 137). This object, we are told, was "for surveying, recognoscing, and considering of the lawes, statuts, and Acts of Parliament of the said kingdome, als weill printed as not printed, with the customes and consuetudes of the same quhilks ar and hes beene observed as lawes within the said kingdome." The new Commission was to prove as inefficient as its predecessors, and twice at least in subsequent times (1639 and 1681) similar bodies were appointed with the like result.

Trade Legislation.—The Exportation of Victual.

Under date November 2nd, 1630, we have an entry which begins in this expressive fashion :—"Forsamekle as it hes pleased God to visite this kingdome with a most unseasonable, untymous, and lait harvest so that the cornes hes beene universallie evill win and in manie parts of the countrie they ar not yett win, quhilks threatens not onlie ane extreme skarsetie of all kynde of grayne and corne bot ane extreme dearth of the same, to the appearand wracke and undoing of manie poore famileis and hurt

of all persons of whatsomever ranke and qualitie," &c. (p. 47). As the harvest of the preceding year (1629) had been equally unsatisfactory, the Council had good grounds for concern, and it took its usual step in the circumstances: it strictly forbade the exportation of all kinds of grain for a year to come. It was easier to pass such a law, however, than to enforce it, and there are indications that many traders contrived to elude all the measures taken to defeat their cupidity. At page 114 we read that James Kerr and Alexander Torrie were summoned before the Council for transporting fifteen and three bolls of victual respectively into England, and in a later entry we have a batch of skippers and merchants heavily mulcted for a similar offence (p. 262). But the Council itself found it necessary to yield a little ground in connection with its own Act. The bad harvest of 1630 had not been confined to Scotland; in the north of England it appears to have been equally scanty—insomuch that there came a petition to the Council from the mayor and aldermen of Newcastle, craving that in their extremity they might be permitted to purchase corn in Scotland for the needs of their town. From a feeling of good neighbourhood the Council granted licence to the lieges in Teviotdale and the Merse to convey corn to the straitened city, but only on two conditions: the victual must be transported by land, and the quantity exported must not exceed 4000 bolls—half a mark of duty to be paid on each (p. 191). On the same page we read that the Council consented to another relaxation of its ordinance. We are now told that not only England and Scotland were suffering, but that there was also "ane verie greate skarsetie and dearth of victuall" in France, Spain, and other parts beyond sea as well. In the case of these countries, also, it was conceded that 4000 bolls might be exported, but on this occasion the Council was not prompted merely by feelings of humanity. The kind of grain which these countries wanted was not appreciated in Scotland, and might, therefore, be the more readily spared. Moreover, the opportunity was one which offered "a profitable returne . . . ather in moneyes or other usefull commoditeis," and accordingly the exporters were

enjoined to look out for the best markets in which they might dispose of their commodities. In further illustration of the commercial notions of the time reference may be made to a few entries bearing on the same subject. Andrew Fraser of Stanywode was engaged in building a house, but when he came to the construction of the roof he found himself in a difficulty: no timber was to be had in Scotland, and Norway was the only country where it could be procured. Unfortunately there was a strict law in Norway against the exportation of timber except in exchange for victual, and it was an equally strict law in Scotland that no victual should be sent out of the country. The Council sympathised with the housebuilder in his straits, and permitted him to despatch ten chalders of meal to Norway provided he stowed it in one ship, and did so before the end of the following April (p. 185). On another page we find the Earl Marischal in the same difficulty as Mr. Fraser of Stanywode. He had undertaken to build a bulwark at Peterhead and to repair the harbour of the same town, but no wood was forthcoming, and the Council had to grant him the necessary licence to procure it from Norway (p. 201). So also in the case of David, Lord Carnegie, who was looking after "his better accommodation and ease in his lodgings" (*Ib.*).

Manufacture and Export of Salt.

From the earliest period of which we possess any commercial record the manufacture and export of salt had been one of the most lucrative of Scottish industries. It was with keen satisfaction, therefore, that both Charles and his Scottish Privy Council heard of "a new found out mysterie and invention" for the manufacture of the precious commodity. The ingenious inventors of the new process were Mr. James Galloway, Master of Requests, and Mr. Nathaniel Udwart, whose various activities prove him to have been one of the most enterprising Scots of his day. The advantages that were promised from their invention were sufficiently alluring: the quality of the salt produced was to be superior to any salt that had been seen before, and half as much again was to be turned out for the same consumption of fuel. The new "mysterie," it was seen, would at once tend to the

prosperity of the lieges and to the profit of his Majesty's straitened exchequer. It was with hearty approval of their welcome service, therefore, that Charles sanctioned a monopoly for thirty-one years to the inventors. It remained to be seen, however, whether the new process would fulfil the expectations of its patentees—such monopolies in the past having not infrequently proved as unproductive as those recorded of the Academy of Lagado (pp. 28, 209).—In another entry we have some interesting information regarding the importance of the salt industry to the country. A proposal had been submitted to Charles that the export of Scotch salt into England should be limited "to a small quantitie sellable onelie to ane few persouns." The rumour of this proposal called forth vigorous protests from various quarters. The magistrates of Edinburgh, in the name of their own burgh and those of every other burgh in the country, remonstrated to the Council on the disastrous results that would follow the adoption of such a policy, and the salt-owners and coal-owners, as the parties most directly interested in the proposed embargo, sent in a similar protest. The Council took up the matter with a due sense of its importance, and it is in its letter to the King that we come upon a few facts of economical interest. The coal and salt industries, we are told, were inseparably bound up together. As they then existed, ten thousand persons were employed in the working of both. Should the production of salt be largely diminished, the result must be a proportionate decrease in the output of coal: "without the benefit of the salt these sumptous water workes and mynes required for maintenance and winning of the coale cannot be upholdin, and whiche, being forsakin but for ane moneth, the coale must perish never in anie age to be regaynned." But not only the coal and salt industries would suffer; the carrying trade would be equally stricken. Half of the shipping of the kingdom was employed in the export of these commodities, and it would be a deadly blow to the prosperity of many burghs if their ships were left idle. And, in conclusion, the Council earnestly beseeches Charles not to set his face against that "mutuall freedome of trade" which his father had maintained with "princely care"

(p. 255).—Though salt was one of the chief manufactures of Scotland, it was apparently found necessary to import a special kind of it from other countries. This we learn from an entry forbidding the export of such French and Spanish salt as then happened to be in the kingdom. This foreign salt, it appears, was used "for making and salting of fishe," for which process the home product was not adapted. But in France an ordinance had lately been passed limiting the export of salt from that country, and hence the Act of the Council. One other item may be noted in connection with this subject: to the Earl of Linlithgow there was granted a duty of two shillings Scots on every exported ton of coal and salt, on the condition that he built and maintained a fort on the island of Inchgarvie in the Firth of Forth (p. 570).

The "Association for the Fishing."

But by far the most important business connected with commerce which the Council had on its hands was a vast enterprise prompted and eagerly supported by Charles himself. This was what was known in the language of the time as "the association for the fishing," or, in other words, a joint-stock company, in which all the three kingdoms were equally interested, for drawing the utmost possible profit from such fish as were to be found off the coasts of both islands. It was the largest commercial undertaking that had hitherto been heard of in Scotland, and it will be seen that the people at large regarded it with a due degree of the national caution. The complete history of the scheme is to be found in the record of the Convention that met in Edinburgh, in the last week of July, 1630 (Acts of the Parliament of Scotland, V., pp. 208 *et seq.*). That record is itself drawn from the Privy Council Register, and supplements the entries in the present volume. As a little known chapter in the economical history of Scotland, the undertaking deserves more than a passing mention. As the documents that tell the story, however, fill more than twenty of the folio pages of the Acts of the Scottish Parliament, it can be but briefly recapitulated within the limits of a general introduction.

The first intimation we have of the scheme is in a letter from

Charles submitted to the Council by its Secretary, Sir William Alexander. In this letter Charles presents his reasons for the vast proposal to which he enjoins the Council to give its sanction and loyal support. "Having," he wrote, "with the advice of our counsell heere in England maturelie considered that als weill in thankefulnesse to almightie God as for the benefite of all our loving subjects we ought no longer to neglect that great blessing offered unto us in the great abundance of fishe upon all the coasts of these yllands to the end we may at lenth injoy with more honnour these rights whiche properlie belong to our imperiall crowne and ar usurped by strangers we have considered of a way whiche in tyme by Gods favour may produce this good effect and also increasse our navigatioun and trade," etc. In explanation of the "way," Sir William Alexander bore a body of instructions, an outline of which will show the magnitude of the projected enterprise. The first consideration was that there should be a sufficient number of vessels for fishing the coasts of all three kingdoms. The proposal, therefore, was that the vessels already existing should be supplemented by two hundred more, varying from 30 to 50 tons. The cost of building and equipping 200 such vessels was reckoned at £76,133, 6s. 8d. The outlay was great, but great also was to be the gain. The vessels, once on the sea, were to make "three returnes everie yeere," and each "returne" was to produce its own quota of profit. The profit from the first "returne," it was anticipated, would be £56,000; from the second, £93,734; from the third, £15,680. And so, concludes the sanguine reckoner, "these three fishings in one yeere will repay all disbursements and yeeld in cleere profite all the shippes and netts with thair furniture to serve againe for manie yeeres and beside in money among the adventurers." We seem to have here the very temper that issued in the disasters of Darien.

But Sir William had been sent north with a more practical purpose than merely to submit the details of his Majesty's scheme; he had come with the specific object of seeing it set in motion by the Lords of the Privy Council of Scotland. To the

Lords, therefore, were put these precise questions: how many vessels and how much money would Scotland be prepared to contribute as its share in the enterprise? To obtain a satisfactory answer to these queries they were told to address themselves to the nobility and gentry, but specially to the free burghs. Sir William also supplied the Council with further details regarding the means by which it was proposed to work the Association. There was to be one general joint-stock company for the three peoples, and in every large town there was to be a "severall companie" to arrange matters with the "adventurers" in their own neighbourhoods. A foreigner, it was strictly prescribed, could become an "adventurer" only on condition of being a naturalised subject in one of the three kingdoms. The Council was further informed that as the island of Lewis was "the most proper seate for a continuall fishing," his Majesty intended to manage that island himself, and to endow it with one or more free burghs—which last intention, as we shall see, did not meet with the approval of the Scottish burghs in general. Finally, Sir William completed his errand by calling on the Council to appoint a Commission to act in concert with similar Commissions to be nominated for England and Ireland. (Acts of Parl. of Scotland, V., pp. 220-223.)

The sederunt at which this business was transacted was held on the 30th July, 1630, and on August 3rd the Scottish Commission was duly appointed. The 7th of August was a busy day over the matter of the fishing. In the morning the newly-appointed commissioners reported the results of its first deliberation regarding the tenor of their instructions. They had found the "association with England to be verie inconvenient to the estait." Their main difficulty had been with reference to the "land fishing"—by which was meant the fishing in the inland lochs and for twenty miles off the sea-coast. In all times, the commissioners stated, the land fishing had been the peculiar property of the natives, and had never been encroached upon even by the Hollanders. The burghs, they had ascertained, were strongly of opinion that the land fishing should be left to the natives, and that, if the proposed

association should be formed, its scope should be limited to the open sea. In the afternoon there was another meeting of the Convention, at which the representatives of the burghs were heard. They told the Convention what it had already heard from the Commission—that, if the land fishings were left in the hands of the natives, the burghs were willing to undertake the management of it, provided they were allowed to set up fishing stations in all convenient places. These opinions having been heard, the Convention empowered the Commission (increased by additional members) to proceed to England, and to render their first report in the beginning of November following. (*Ib.*, pp. 226, 227.)

When the report was presented, the Convention was no longer sitting, and it fell to the Privy Council to consider it. The proceedings of the Scottish Commissioners are not recorded, but we have their criticisms on the general scheme together with the replies of the Commissioners for England. There were two main points on which the Scotsmen were dissatisfied: it had not been made clear that the land fishings were to be reserved to natives, and the proposal of Charles to erect one or more free burghs in the island of Lewis was against "the standing right" of the existing royal burghs. The answers of the English Commissioners to these objections could hardly have given satisfaction. To the first they could only reply that it was not the intention of his Majesty to "take away or derogat frome the particular and personall grants and rights of anie of his subjects," and for answer to the second they referred the discontented Scots to his Majesty "for more full satisfactioun." At the same meeting of Council two letters from Charles were read, both bearing on the scheme which he had so much at heart. In the first he commended the assiduity of the Council in the great work, and, by way of stimulating them to further exertions, added a few lines in his own royal hand. "This is a worke," he wrote, "of so great good to both my kingdomes that I have thought good by these few lynes of my owne hand seriouslie to recommend it to you, the furthering or hindering of whiche will ather oblige or disoblige me more then anie one bussines that hes happened in

my tyme." In the second letter he empowered the Council to send commissioners to England with absolute powers to make a speedy conclusion of the whole business (*Ib.*, pp. 228-230).

On November 12th, 1630, the new Commission was appointed, and with the full powers on which Charles had insisted. They bore with them a number of instructions which prove that the Council was bent on making as good a bargain as possible. The commissioners were to insist on the reserve of the "inland fishing," and that no Englishman was to be allowed to fish in Scottish seas except as a member of the "association." They were also to represent to his Majesty that Scotland had a grievance in connection with the documents which had hitherto dealt with his projected company. In these documents the name of Scotland did not appear, being confounded "under the name of Great Britane, altho there be no unioun as yitt with England nor the style of Great Britane receaved there." The commissioners, therefore, were to intreat his Majesty that in all such documents henceforth he should style himself as "King of England, Scotland, France, and Ireland." (*Ib.*, pp. 231-233.)

It is not till the 31st March, 1631, that we again hear of the doings of the Scottish Commissioners. On that day a letter was read from them which gave the Council some trouble to answer. When their commissioners had insisted on the reserve of the inland fishing, their English colleagues had asked them to specify what this reserve precisely meant. It was the burghs that had all along persistently held to this exception, and to the burghs the Council now applied for an answer to the question. After some hesitation the representatives of the burghs enumerated the various parts of the coast which, in their opinion, should be reserved to natives. In their selection they were guided by the consideration of the relative dependence of the communities on the fishing industry, and they professed that their decision was made only in favour of those which could not subsist if this industry were seriously affected. The Council, however, thought the fishing grounds thus reserved "to be of too large ane extent," and made a specification of its own which might be more "to his Majesties contentment." (*Ib.*, pp. 234-236.) But even the

modified demand of the Council was not to Charles's "contentment." "We cannot conceave," he wrote, "what necessitie can be for reserving of so manie severall places"; and he demanded a more reasonable reply which might enable the commissioners for the three kingdoms to bring their labours to a satisfactory conclusion. Once more, therefore, the Council had to appeal to the gentry and burghs, and in a meeting held at Perth (September 22, 1631) these two bodies made a final declaration. They had abated somewhat from their former demands, and in its communication to Charles the Council expressed the hope that he would find the concessions satisfactory. (*Ib.*, pp. 237-239.)

It is not till the following September (1632) that we again receive definite information regarding the proceedings of the Commission for the Fishing. On the 7th of that month there was submitted to the Council a royal charter definitely constituting the "Association for the Fishing." In deference to Scottish feeling there were to be two copies of this charter, in which the Great Seals of Scotland and England were respectively to have the first place. With regard to the reserved fishing this was the final arrangement: the Association was to be excluded from the coast between St. Abb's Head and Redhead and between the Mulls of Galloway and Cantyre—natives alone being privileged to fish within these limits. Part of Charles's purpose, we have seen, was to erect free burghs in the island of Lewis, but on this point he also found it expedient to give way. The island was to be under his own special protection, but it was not to be within the scope of the Association and was to be left entirely in the hands of the natives. (*Ib.*, 239-246.) Such in its broad outlines is the history of Charles's magnificent scheme for the furtherance of an industry which was to multiply his own and his subjects' resources. From the first it was received with little favour in Scotland, and subsequent legislation on the fisheries of the country abundantly proved that it was very far from fulfilling the sanguine expectations of its royal patron.

A few other entries regarding trade legislation have still to be noted. The new process of tanning which had been patented

The New Process of Tanning.

by Lord Erskine was still stubbornly rejected by many of the craft. In 1629 Erskine had proved to the satisfaction of the Council that his method was in every respect superior to the old one; and an Act was passed making it obligatory on every tanner to adopt it. But from the birth of trade corporations in the early Middle Age a pertinacious resistance to all novelties had been their distinguishing characteristic, and the tanners of Scotland seem to have had their full share of this spirit. In the present volume we have at least eight entries recording the summons of successive batches of tanners for defiance of the Act of Council and dogged adherence to the old process.

Yarn.

It is no novelty to find in the Register that dishonest trade and dishonest manufacture were not unknown in spite of watchful guilds and presbyteries. In the following entry we have a general charge against the makers and sellers of yarn. "Forsameekle as the trade and industrie of making of yarne and buying and selling of the same both within and without the kingdome thir diverse years bygane hes provin verie profitable to the countrie, and so long as it wes faithfullie and trewlie used it wes a speciall meane whairby moneyes and other necessar commoditeis wer imported and manie poore people haldin at worke; bot within thir few yeeres there is suche fraude and deceate used by the commouns in not using the first lenth of the reill and abstracting of the trew nomber of the threids allowed for the hespe and cutt that there is now no trust at all given to the yarne of this kingdome, and there is little or no dispatche for it ather within or without the countrie to the great discredite of the countrie and hurt of the subjects who formerlie traded with yarne" (p. 302). To remedy what is thus described as a national evil the Council adopted a drastic measure: all yarn was to be sold by the weight, and the material of all persons found contravening the law was to be confiscated.

The Pearl-fishing.

The industry of pearl-fishing had been a frequent subject of legislation, and the entries now noted would seem to prove that it was an industry of some importance. In

1622 Robert Buchan, a merchant of Aberdeen, had received a commission to preserve "his Majesty's waters from the unseasonable fishing for pearls." It would appear, however, that Buchan looked more after his own interests than the interests of his Majesty; and the burghs felt so strongly on the point that they petitioned the Convention of 1630 for the annulment of his commission. The free burghs, it was declared, had always possessed the privilege of fishing for pearls whenever and wherever they pleased, and the petition craved that this privilege might be restored to them (p. 669). On the petition being presented to Charles, he desired the Council to call Buchan before it, and to cancel the commission which he had held for ten years (p. 548). Buchan did not yield his claim without a fight; and it was not till 1641 that his commission fell into abeyance (Acts of Parl. of Scot., V., 411).

Price of Malt.

Maltsmen were a class of persons who had greatly exercised the legislature in times past, and they had been the objects of many and stringent laws which they had usually contrived to elude. The two difficulties with them had been to regulate the prices of the malt, and to see that in making the malt they did not go beyond the proper quantity of bere. Of recent years the maltsmen had been reaping a golden harvest by keeping up old prices while the value of other commodities had depreciated. The exuberant fortunes of the maltsmen had been brought to the knowledge of Charles, with the result that he sent a peremptory letter to the Council calling for such a regulation of prices as should put them on equal terms with other trades (p. 548).

The Currency

In the present volume we find the usual ineffectual attempts to reform the currency. It was still the old evil with which the government had to grapple. Foreign dollars kept flowing into the country, displacing the native coinage and turning trade into a game of sharp practice. On September 8, 1630, we have another of the endless proclamations against the importation of foreign pieces. In the usual terms the lieges are charged to give

in the names of all such persons as offer them the prohibited dollars, and if these coins came into their hands, at once to convey them to his Majesty's Mint (p. 24). But the Council was puzzled by another difficulty: what was to be done with the intruding coins if they were given in? To this question they received a practical answer from Mr. John Acheson, "general of the Cunzie House." According to Acheson, the one cause of the derangement of the currency was the circulation of the foreign coins at a rate above that of native money. Supposing the dollars caught, therefore, his proposal was to convert "the basest sort" of them into small money and to confine its circulation to Scotland alone, after the example of France, Flanders, and Germany. In the case of rix-dollars, which were the most valuable, Acheson proposed that these also should be converted into coins of his Majesty, but with value undepreciated, and that they should be used in trade with the eastern countries. If these suggestions were not adopted, there was but one other way of meeting the existing evil: native money must be adapted to the present rate of gold, or, which came to the same thing, the existing coinage of the country must be diminished in fineness or weight. If the latter alternative were adopted, it would be advisable for his Majesty to take counsel with his officials of the Mint in England—a suggestion, we shall see, which Charles laid to heart (p. 63).

To the bewilderment of the Council it shortly afterwards had to entertain a proposal which went directly in the teeth of the proposal of Acheson. The new advice came from the burghs, which naturally had a lively interest in the successful solution of the great problem. According to the commissioners for the burghs, it would be mere folly "to decry or discharge the course of dollours till the countrie were first supplied with money." In the meantime the best policy would be to prevent the further influx of these coins, and that, with this object in view, coal and salt owners should be prohibited from accepting them in exchange for their commodities (p. 155). The Council adopted the suggestions of the burghs in preference to the suggestions of Acheson (pp. 298, 301); but, though this does not appear in the

present volume, this policy was only to make confusion worse confounded.

The proceedings in connection with the currency that are above related belong to the years 1630-1631. As there was little sign that matters were mending, however, it occurred to Charles to take Acheson's advice and to consult an official of the English Mint, Nicholas Bryot or Briot. On the 6th December, 1632, this high authority duly appeared before the Council, and produced a "Declaration" that fills two pages and a half of the printed Register. This Declaration, however, is not very explicit, as it implies the knowledge of certain proposals by Charles which are only referred to in the present volume. On one point Briot made a sufficiently frank statement: he roundly charged the Scottish merchants and officials of the Mint with encouraging the importation of the foreign dollars and with deliberately refusing to adopt the only means by which the evil might be cured. Meanwhile, the consideration of Charles's proposals for the remedy of the mischief was postponed till a later day—the 10th of January, 1633, being fixed for the commissioners of the burghs to deliver their opinion before the Council (pp. 578-582).

Another item in connection with the coinage has still to be noted. In 1629 it had been ordained that 500 stones of copper should be coined into penny and two-penny pieces—the object of the ordinance being to supply the poorer classes with sufficient small change to carry on their marketing (Vol. III., Sec. Series, p. xxxii). It would seem that the new coins were inadequate for the purpose they were intended to serve, as we now find the Council committing itself to a larger undertaking. On August 26th, 1631, an order was issued for the coining of 1500 stones of copper into "farthing tokens"—each to have the value of three pennies Scottish. As in the case of the penny and two-penny pieces, the convenience of home marketing was alleged as a motive for the new coinage, but to this motive there is added another which is worthy of note. In the case of gold and silver coins there was already a "correspondence" between England and Scotland, and one of the objects to be served by the new

coin was to establish a similar correspondence in copper, and thus to facilitate the trade between the two countries (pp. 323-325).

A Latin Grammar.

In the introduction to the last volume of the Register we left a special Committee, of which the Lord Advocate, the Bishop of Dunkeld, and the Director of Chancery were members, sitting in judgment on the Latin Grammar of Alexander Home, schoolmaster at Dunbar. On this subject there are no fewer than twelve entries in the present volume, and the story they tell is of sufficient interest to be related in some detail. Apparently the Committee did not find Home's book satisfactory, as they decided to displace it by another grammar, the production of Mr. Alexander Wedderburn, schoolmaster in Aberdeen. But before the Committee's arrangement could take effect accounts had to be settled with the author of the discarded grammar. Henceforward, according to the recommendation, Wedderburn's grammar was to be exclusively used in all the schools of the country, and its author was to have the sole right of printing and publishing it (p. 163). But these were precisely the privileges which Home had hitherto enjoyed, and some composition had therefore to be made between the two rival grammarians. To effect this arrangement four members of the Commission, the work of which was now at end, were specially deputed by the Council; but they evidently found it a business of some difficulty to intermediate between the two parties. Without waiting for a final agreement Wedderburn returned to Aberdeen, whither he was pursued by a letter from the Council charging him, under pain of rebellion, to return by a given day and square his accounts with his defeated rival (p. 176). The next two entries inform us that the burghs have been consulted on the great business, and that they have taken a step of their own to preclude all possibility of mistake (pp. 287, 310). They had ordered 200 copies of Wedderburn's grammar to be printed with the object of ascertaining the opinions of the most learned men in the country. The Council gave its sanction to this proceeding, but ordered the burghs to report the opinion of the

learned men to the magistrates of Edinburgh, who in their turn were to report it to the Lords of Council. The learned men were not all of one mind as to the merits of the new text-book. Mr. Robert Williamson, schoolmaster in Cupar, not quite disinterestedly, as we shall see, made some strictures, which still another Committee was appointed to consider (p. 437). The book came triumphantly out of the ordeal—the objections of Mr. Williamson and those of another critic, Mr. James Gleg, schoolmaster in Dundee, being decided to be not "materiall." In accordance with this decision, the Committee gave in the following report to the Council:—"That the said Mr. David Wedderburne his grammar sall onelie be receaved, rectified, and amended in suche particulars as the saids commissioners hes thought or sall thinke expedient betuix and the secund Moonday of Junij nixtocome, at quhilk tyme, God willing, the saids commissioners sall report thair full judgement and determinatiouns in the said mater concerning the said grammar" (p. 455). This report was given in on March 27th, 1632, and on the 7th June there came a letter from Charles which must have surprised the Council after all its assiduity. The letter demanded that a licence of twenty-one years should be granted to Mr. Robert Williamson (the critic of Wedderburn) to print and sell a Latin grammar, provided the said grammar deserved such a licence (p. 493). The answer to this communication does not appear in the present volume; but under date June 26th we read that the Council finally gave its sanction to the grammar of Wedderburn, and granted him a monopoly of it for twenty-one years (p. 501). If any further proof were needed to convince us that education was a matter of serious concern in Scotland, we assuredly have it in the story of Wedderburn's grammar.

The Burghs.—Dispute between Leith and Edinburgh.

One of the matters that bulked most largely in the preceding volume of the Register was a great controversy between Edinburgh and Leith. The dispute had turned on the old question of the superiority claimed by Edinburgh over its neighbour burgh; but it had eventually been narrowed down to a single point—the right of Leith to store victual within

its own bounds. At the point at which we resume the story, this was the position of affairs: the Council had overriden a decree of the Court of Session which had declared it to be illegal for the citizens of Leith to store victual without licence obtained from Edinburgh. Edinburgh was not satisfied with the Council's decision, and directly appealed to Charles to have it reversed. The part of the Register which contains Charles's reply has been destroyed (see p. 78), but from the references made to it we gather that it expressed his desire that the Council's decision should be rescinded (p. 81). Charles's letter was read in Council on December 2nd, 1630, and on the 6th of the same month we have the Council's reply. It stated that in deference to his Majesty's order the Act suspending the decree of the Court of Session had been rescinded in every point but one—the denial of the right of Leith to store victual without licence from Edinburgh. To deny this right, it was urged, would be "ane eminent prejudice to the State in generall and a particular hurt of a great nomber of the nobilitie and gentrie and uthers" (p. 82). But this proceeding was far from satisfying the demands of Edinburgh, which at once took steps to secure the further intervention of Charles in its favour. Alarmed at the possible result of this action, a deputation from Leith appeared before the Council (January, 1631), and lodged no fewer than twenty reasons (afterwards compressed into five) against its being deprived of what it claimed to be its prescriptive right of storeing victual within its own bounds (pp. 600-603). What these reasons were the rubrics will briefly indicate, and they need not be recapitulated here. But the magistrates of Edinburgh had not bestirred themselves in vain. On June 23rd, 1631, the Council was constrained to pass an Act which implied a decisive victory for the capital. Nobles, barons, gentlemen, and others were to be allowed to send victual to Leith and to store it there, but to the inhabitants of Leith themselves the right was denied (pp. 248, 251). All that Leith could do was to protest against this new Act of Council which so summarily cut short its late triumph, but it boded ill for the future that the Council's latest decision had the express warrant of Charles (p. 251).

The Privileges of Edinburgh.

It was not only in its dispute with Leith that Charles showed himself gracious to his Scottish capital; there are other indications to prove that he was specially desirous of being on good terms with its citizens. Thus we have a letter from him confirming all their privileges, and urging the Council to do its utmost to conserve them. With a manifest reference to the controversy with Leith, he writes: "We do heirby speciallie recommend unto yow that in all suche causes concerning thair rights and priviledges as come before yow they may have order given for settling thairof as our lawes doe allow with all convenient expeditioun" (p. 432). For this favour shown to Edinburgh on the part of Charles we find an adequate reason in another class of entries in the present volume. We have seen that a principal part of the business of the Convention that had met at the end of July, 1630, was to impose a tax of thirty shillings on "everie pund land of old extent"—for the space of four years. In connection with the imposition of this tax Charles had graciously indicated to the burghs that he would be willing to accept a composition for all the four years' taxation. Several burghs accepted the offer, and specified the sums which they were willing to pay. The sums offered may be taken as a fair measure of the relative wealth of the principal Scottish towns, while the lead which so easily belongs to Edinburgh helps to explain Charles's favour for that burgh (p. 596). The respective sums compounded for were as follow:—Edinburgh, £40,000; Aberdeen, £5800; Glasgow, £3262 10s.; St. Andrews, £1960; Stirling, £1691 8s.; Linlithgow, £652 10s.; Canongate, £400; Dunbar, £363; Culross, £338; Hamilton, 400 merks (all in Scottish money).

Dispute between Edinburgh and the Canongate.

A few other items regarding the burghs have still to be noted. Between the burgh of the Canongate and the burgh of Edinburgh there was a longstanding jealousy which had led to frequent disputes in the past. Of the nature of these disputes we have a pleasant example in the following case. Four "kists" (coffins) had been made by certain wrights in the Canongate, and had been conveyed by them to parties in the burgh of Edinburgh

who had ordered these commodities. In each case the coffins had been appropriated by certain of the wrights of Edinburgh, and in the opinion of the wrights of the Canongate this was a violent breach of their privileges. The deacon of the craft, therefore, together with six of its members to support him, laid their complaint before the Council. A decreit of the Council itself, they pleaded, had confirmed the privilege for which they contended. By that decreit it had been ordained that the wrights of the Canongate should suffer no "trouble or impediment . . . in presenting thair worke to the mercat of Edinburgh, and selling the same upon the ordinarie mercat dayes." Edinburgh, Broughton, and the Canongate had each its special interest in the case, and each sent its representatives to bear their testimony. The representatives of Edinburgh took their usual line in questions of this nature: they maintained that in accordance with instructions from his Majesty it was by the Court of Session and not by the Privy Council that points connected with the liberties of Edinburgh should be tried. Moreover, they urged, in similar actions between the craftsmen of Edinburgh and the craftsmen of the Canongate, the Council had given decision in their favour. When a Canongate glazier repaired windows in the burgh of Edinburgh, the bailies of that burgh had placed him in ward, and the Council had approved of their action. Again, when the Canongate weavers lodged a complaint against those of Edinburgh on precisely the same grounds as those now put forward by the wrights, the Council had likewise rejected their plea. Finally, the representatives of Edinburgh maintained "that the bringing in of coffines and dead kists frome the Cannogait to the burgh of Edinburgh must be interpret to be ane direct working within the said burgh of Edinburgh, quhilk priviledge no unfreman can lawfullie challenge, becaus the maker of the coffine must take the lenth and breadth of the corps for whome it is made, he must call the nailes, dresse, calfat, and perfyte the coffine after it is brought in, quhilk is a direct working." Between the Council and the burgh of Edinburgh there had long been somewhat strained relations; and on the present occasion the Council had the satisfaction of finding that the law was against the jealous burgh. It

decided that, as the seizure of the coffins was an act of violence, the case properly fell within its jurisdiction, and it gave as its judgment that the craftsmen of the Canongate had a perfect right to make coffins and sell them to any persons, burgesses or others, resident in the burgh of Edinburgh, provided they did this business on market days only (pp. 460-463). To conclude these references to the burghs, we may draw attention to the alteration of fair-days within the diocese of Aberdeen, where by frequently falling on Sundays they had created a public scandal (p. 87); to the conflict of jurisdiction between the High Constable and the burghs (p. 584); and the case of the defaulting Edinburgh apprentice (p. 117).

New Scotland.

In the present volume we have to note a re-awakened interest in the colony of New Scotland. The occasion of this renewed interest was the assertion on the part of France that the Scots in founding their colony had appropriated lands of which France had prior possession. The French King had made this representation to Charles, who called on the Privy Council to supply him with precise information as to the Scottish claim (Vol. III., Sec. Series, pp. 613, 614). The Council gave him the information he desired, and urged him at the same time "to take to heart the maintenance" of his plantation in New Scotland (pp. 40, 46). This letter was written September 9, 1630; and it is not till the 28th July, 1631, that we discover that definite action is being taken for the furtherance of the colony. From another communication of Charles we learn what were the means adopted to effect this purpose. On the foundation of the colony James VI. had ingeniously devised his well-known plan for attracting adventurers to the enterprise. By paying 6000 merks, or, as an alternative, on sending out six skilled workmen and maintaining them for two years, anyone might receive land to the extent of 30,000 acres, and become a "Nova Scotia baronet" besides. It was on the attractiveness of the new title that James and the originator of the undertaking, Sir William Alexander, appear to have mainly depended for alluring candidates to the colony. But from the beginning there had been no great eagerness shown to

jump at the bait, and, what was specially to be deprecated, there had all along been a disposition to make light of the new dignity. If this disposition continued, it would not be well for New Scotland, and, accordingly, King, Council, and Alexander himself agreed that the most effectual means of advancing its interests was to let all Scotsmen know that the new title could not be safely slighted. At the market-crosses of all the chief burghs it was to be proclaimed that his Majesty would "let nane of the baronnets be anie wayes prejudged in the honnour and priviledges conteanit in thair patents, bot wil punishe all that darre presoome to wrong thame thairin." For the further encouragement of adventurers it was added that his Majesty had not the slightest intention of abandoning his claim to "New Scotland and Canada," and that he pledged himself to the protection of all his subjects who should be disposed to settle there. Since this was all the action that King and Council were disposed to take in the interests of the colony, it was evident that it could have no very brilliant future before it (pp. 299, 300).

Gipsies and Irish Beggars.

Gipsies and Irish beggars were two perennial plagues of the Scottish legislature. Against "the counterfoote theeves and lymmaris, callit the Egyptians," we have a renewed specimen of the enactments that were directed against them. The standing law that hung over their heads was that any of his Majesty's subjects could "caus take, apprehend, imprison, and execute to the death the saids Egyptians, als weill men as weomen, as common, notorious, and condemned theeves be ane assise onelie to be tryed that they ar callit, knowne, repute, and haldin Egyptians." In spite of this terrific enactment gipsies continued as numerous as ever, and specially in the northern counties. Strolling about in gangs, and armed with lethal weapons, they terrorised the lieges wherever they appeared, and had become "ane insupportable burdein to the countrie." The Council could not go beyond its previous legislation against the hopeless race; and it was only left to it to urge all responsible parties to carry the law into effect with the vigour which the evil demanded. The Irish beggars appear to have made as light of the executive

as the gipsies. On November 19th, 1629, they had been ordered to quit the bounds of Scotland within fourteen days, and not to return under pain of death (Vol. III., Sec. Series, p. 354), yet under date September 8th, 1630, we find the same people under a similar warning to leave the country within fifteen days (p. 22).

Equality of Trade with England.

One of the results that had followed James VI.'s attempt to force a legislative union between England and Scotland had been the abolition of the "hostile laws" which both countries had passed against each other in relation to trade. Though nominally abolished, however, hereditary jealousy and antipathy had proved too strong for legislation, and at the date we have reached the two nations still maintained their war of tariffs. To put an end to this state of things, so manifestly prejudicial to the interests of both, Charles issued a vigorous proclamation to enforce the existing laws. In matters of trade the three countries were to be one; and English, Irish, and Scots were to interchange their commodities as fellow-subjects of the same commonwealth. As the future was to show, however, it was only the slow growth of opinion that was to bring home to rulers and subjects alike that in the breaking down of all trade barriers lay the best interests of both.

Domestic Incidents.

Charles's Promised Visit.

Throughout the autumn of 1631 the Scottish people were given to understand that in the ensuing spring they would at length have their King in their midst. On August 4th, 1631, it was definitely proclaimed that Parliament would meet on April 13th of the following year, that the King would preside over it, and that he would seize the occasion of his visit to receive his crown. On the 16th of November, Charles gave a further pledge of his intention by expressly announcing to the Council that he might be expected at the appointed time, requiring that, meanwhile, all preparations should be made for his visit, specially calling the Council's attention to the preservation of game

(p. 372). Once more, therefore, and for at least the tenth time, the Council had to bestir itself for the reception of its master. The various details connected with the preparations are not recorded on this occasion, but one item is worth noting; the Treasurer and Deputy-Treasurer were told that in disposing of beer and other provisions provided for the royal visit they should do so "to the best availl and advantage" (p. 430). It was probably with well-grounded scepticism that the nation had heard that they were at length to be honoured by his Majesty's presence. If such was their feeling, they were not undeceived. On February 15th, 1632, Charles once again wrote, and told the old story: he found his engagements such that his visit must be deferred for another year (pp. 440, 441). Assuredly the Scots had good reasons for concluding that Charles was making a convenience of his "ancient kingdom."

Levies for Foreign Service.

Since the beginning of his reign Charles had at least found it convenient to have Scotland to draw upon when his foreign policy required an army to give it effect. In the opening years of his rule his own wars with France and Spain necessitated a steady supply of troops, but even when these wars were at an end, his entanglement with the great German quarrel rendered it necessary that he should contribute his own quota of men to the assistance of his allies. Every year, therefore, he had been issuing warrants for the levy of Scottish volunteers to proceed where he might order them. During the period before us Charles had to make larger demands than ever for Scottish levies. It was in the summer of 1630 that Gustavus Adolphus began his brilliant campaigns against the armies of the Emperor; and after long negotiations Charles cast in his lot with him and agreed to support him with English reinforcements. He issued six warrants in all for the enlistment of men for service under Gustavus, and, if all these warrants took effect, 12,600 Scots must have given their swords to the cause of Protestantism of which the Swede was the champion. The largest of the bands levied was one of which the Marquis of Hamilton was the commander, and for reasons afterwards to be noted it has a place in

the domestic history of the country.[1] To these 12,600 Scots, who were to fight under the King of Sweden, a detachment of 1500 has to be added whose destination was the Low Countries, where they were needed to fill up gaps in the Scottish regiments. (See Index, s.v. *Soldiers.*)

Maritime Trade.

Questions connected with maritime trade always occupied a due share of the Council's attention, and in the present volume they fill a greater space than usual. The expediency of erecting safety lights on the Isle of May and on the Skair Heads (the Big and the Little Scare in Luce Bay) was the subject of much deliberation—all parties being agreed that the beacons were necessary, but differing as to who should be at the expense of erecting them. A more important question was that of "ballast in the Forth." An alarming report was given in to the Council regarding the state of the river Forth above Queensferry. In that part of the river skippers were in the habit of depositing ballast wherever they came to anchor, with the result, it was alleged, that navigation must soon become impossible (p. 11). A special petition to Charles had called his attention to this danger to "the cheefest place for trade" in his northern kingdom, and it was at his instance that the Council took steps to avert it. A Commission appointed for enquiry and report led to no immediate action, and it was not until the matter was referred to the burghs that an enactment was passed forbidding the casting of ballast except at specified points—the burghs undertaking to report once a year on the condition of the river (pp. 303, 335).

Pirates.

In the present volume there is frequent mention of pirates —a race who had been the scourge of maritime traders from the beginning. The Lord High Admiral had special instructions for dealing with them. It was on the West Coast that pirates had shown themselves specially mischievous,

[1] It may be noted that Hamilton's contingent distinguished itself at the battle of Leipzig and the siege of Magdeburg. See Colonel Monro's *Expedition with the worthy Scots Regiment called M'Kay's Regiment* (Lond., 1637).

and the Admiral was commissioned to enlist such masters of ships as were willing to give their services in encountering them —the condition of such services being that any loss sustained should be made up to the losers (p. 270). At page 305 we read that Lord Cantyre earned the special commendation of the Council for a successful exploit against a pirate ship, which had been one of a number "be whome his Majesteis good subjects wer daylie infested and thair goods spoiled." Putting to sea "in ane great boate weill manned and appointed with all warre-like furniture," Cantyre came up with the ship in question and gave her battle. The fight was a desperate one ("ane sharpe and cruell conflict"), and Cantyre lost several of his men, but his victory was complete, and such of the pirate crew as were taken were handed to the Lord Admiral "to underly thair deserved punishment." On the East Coast it was the "freebooters" of the Low Countries that played havoc with Scottish trade, and, as a few examples will show, these freebooters carried on their business with sufficient audacity. On the 19th of May, 1632, the Council had to communicate with the Mayor of Newcastle to the following effect. The day before, two freebooters of West Flanders had cast anchor in the Roads of Leith under the guise of friendly trading vessels. In the course of the night they made off with a Flemish ship, and on their way out of the Firth took several craft which were part of a merchant fleet that had just arrived from Holland. The Council had heard that there were commissioned "waughters" off the Northumberland coast, and its reason for addressing the Mayor was that he should set these watchers on the track of the pirates with the object of recovering the missing ships (p. 488). In another letter of the Council, addressed to the magistrates of Blackney, a similar exploit is recorded of a Dunkirk freebooter. By showing the colours of the Prince of Orange it got alongside of a Leith ship bound for the Low Countries, and appropriated its cargo. On its way home to Dunkirk, however, the marauder was cast ashore on the English coast, and the people of the neighbourhood made free with its spoils. To recover the goods of the proper owners, therefore, was the object of the Council's com-

municating with the magistrates of Blackney (p. 499). Other sources of annoyance connected with the shipping trade were the frequent misunderstandings that arose on questions of maritime law. Examples of these misunderstandings will be found at p. 401, where we have a letter of expostulation (in Latin) addressed to the magistrates of Lübeck regarding the alleged illegal seizure of a ship of that port by a Scottish privateer, and at p. 452, where we have another letter in which Charles is informed of the capture of a Scottish trader under circumstances which involved a breach of international law on the part of West Flanders. But the most notable case of this nature was that of Captain David Robertson, which has already been before us in the preceding volume of the Register. During the time of peace the ship of which he was owner and captain had been attacked and captured by two Hamburgers — several of his crew being slain in the encounter. The magistrates of Hamburg had replied to an expostulation of Charles, but the Council had not found the reply satisfactory, and granted to Robertson the letters of reprisal for which he had petitioned. It is at this point we take up the story as it is revealed in the present volume. Robertson had had a considerable experience of privateering, and he must have plied his commission to some purpose, as we find the magistrates of Hamburg writing to the Council to have his letters of reprisal cancelled (p. 187). From a subsequent entry we learn that Robertson has died, but that his "letters" have been renewed to his "partners" (pp. 413, 420). Instead of one captain we have now two (Captains Orrock and Scott) carrying on the game of reprisal, and this they seem to have done too energetically for Charles, but not so for the Scottish Privy Council. A letter from Charles proves that for some reason he was now desirous of making himself pleasant to the city of Hamburg. He had himself granted the warrant for the letters of reprisal to the partners of Robertson, but now he tells the Council, though in somewhat ambiguous terms, that the partners must content themselves with what was originally due to the deceased Captain Robertson, and that the letters of reprisal must be cancelled (p. 490). The Council replied with a recapitu-

Captain Robertson.

lation of the whole affair from the beginning, and the tone of its letter implies that in its opinion the heirs of Captain Robertson were the aggrieved parties (pp. 557-560).

Witchcraft.

Out of the multitude of witchcraft cases recorded in this volume, there are a few that call for special notice. Marion Mure, widow of George Brown in Leith, of her own accord, sought the bailies and minister of Leith, and informed them that she had been a witch for many years past, and that at the persuasion of the devil she had renounced her baptism and taken the name of Katherine. In these circumstances the minister could only petition the Council that the bailies of Leith might be empowered to place her in their Tolbooth—a petition which the self-accused witch had herself urged. From the subsequent proceedings of the Council we are led to believe that it found the case one for the physician rather than the magistrate. A certain Dr. Gellie was called in and asked if he knew of "anie disease or infirmitie" from which Mrs. Mure was suffering. He was able to tell the Council that he had seen her, had found her suffering from "hypochondriack distractioun," and had given her a prescription to take to an apothecary—which, however, she had failed to do. We find no further mention of the case, but it is interesting to note that the Council took such a purely physical view of a matter which was generally regarded as peculiarly "metaphysical" (p. 426). In another case the Council was by no means disposed to make allowances for pathological conditions. It was brought under its notice that Mr. George Sempill, who had at one time been a preacher, was "a bizzie practizer and consulter in points of witchcraft." That a preacher should be suspected of such practices was deemed a scandal which could be dealt with only by the Council itself, and "Mr. George," therefore, was summoned to appear under pain of rebellion. The person who had informed the Council regarding his backsliding was Sir Walter Stewart of Minto, and, when Sir Walter came to be examined, it appeared that he had based his information on what he had heard from one Agnes Boyd who was herself under trial for witchcraft. From what we read on pp. 92-93, it would appear

that Boyd withdrew the charge (pp. 24, 50). The case illustrates how readily the terrible charge could be vamped up by unscrupulous or over-scrupulous persons. At pp. 111-112, we have an instance of a charge of witchcraft which the Council itself declared to have been without foundation. We further find the Council exposing one case of barefaced imposture. A certain John or James Balfour practised the not uncommon profession of witchfinder, giving out that by the usual method of thrusting pins into the bodies of suspected persons he could discover the devil's mark. The Council having heard of Balfour's performances summoned him to give an account of himself. He stoutly stood to his profession, but the Lords, we are told, after advising, found "that the said James Balfoure his knowledge in this mater hes onlie beene conjecturall and most unlawfullie used within God's kirk," and forbade him to exercise his art at his own peril (pp. 427-432). To realize the horror with which those suspected of witchcraft were regarded we have but to read the list of charges which were found proven against Christian Paterson, who is described as the wife of George Carmichael in Hirdmestoun, near Haddington. She had laid a "heavie disease" on one person, given "madnesse and phrenesie" to another; she had murdered a third by witchcraft, stricken a fourth with "heavie sicknesse," and ruined the bodies, souls, and worldly estates of others (p. 334). But the most notorious case of demonology that now occupied the Council was one which has already been noted in the preceding volume of the Register. Alexander Hamilton, a notorious warlock, who had met the end which he had courted, had accused Lady Home of Manderston of seeking the death of her husband by unholy practices. In point of fact the husband and wife had long been on bad terms, and Lady Home had even gone so far as to sue for a divorce. Sir George, her husband, however he might regard his helpmate, was indignant that such an aspersion should be cast upon his household, and appealed to the Council to have the matter probed to the bottom. It considerably hampered his endeavours, however, that he was so deeply in debt all round that he dared not show his face in Edinburgh for fear of arrest by certain of his creditors. Time after time, therefore, we find

him appealing for protection that he might be at liberty to clear his good name in the presence of the Council. But this was no easy matter, as the more the business was examined the more complicated it was found to be. When the warlock, Hamilton, had been pressed regarding his charge against Lady Home, he admitted that he had received his information from another warlock, John Neill of Tweedmouth. A further revelation connected with the charge casts its own light on the spirit of the time. From the confession of James Mowat, writer in Duns, it came out that he had forged the deposition of Hamilton in which he had incriminated Lady Home. But even this revelation does not seem to have been conclusive in Sir George's favour, as on the 8th of August, 1631, seven months after Mowat's confession, we find it stated in a letter of Charles, who had all along been interested in Home, that the case was not yet brought to "a finall period" (p. 316). Finally, in connection with the subject of witchcraft, attention may be drawn to the report of the trial of "John Philip, vagabound," in the Courthouse of Banff, in which the method of procedure in such cases is fully illustrated (pp. 637-639).

Contribution to the Ministers of the Palatinate.

A more pleasant aspect of the time is presented by the charitable efforts of the country in favour of the ministers of the Palatinate who were suffering from the results of the Thirty Years' War. On June 30th, 1629, Charles wrote to the Council, drawing its attention to the pitiable plight of those ministers who had been driven in destitution from their homes, and who could find no help except from their brother Protestants in other countries. A general collection in their behalf had been ordered throughout England, and Charles recommended that a similar collection should at the same time be made in Scotland (Vol. III., Sec. Series, p. 275). On January 20th, 1631, we find that the Council has heartily adopted Charles's recommendation. Letters addressed to the bishops urged them to bring the case of the exiled ministers before all the parishes in their dioceses (pp. 118, 131), and copies of a Latin letter from the ministers to the Council were enclosed along with them. The Council itself

organised the charitable scheme; George Suttie and William Gray, merchant burgesses of Edinburgh, were appointed receivers of such sums as might be contributed, and all care was to be taken that the "collection" should reach its destination with as much speed and as little expense as possible (p. 132). When the moderators and clergy of the dioceses of Glasgow and St. Andrews showed themselves dilatory in sending in their respective collections, they were sharply told to do so at once "under pain of rebellion" (p. 277). As the result of its efforts the Council was able to send a substantial sum of over £3000 to relieve the wants of the destitute ministers.

Marquis of Hamilton charged with Treason.

On the 5th of July, 1631, the Council had before it a letter from Charles which must have been heard with various feelings by the fourteen members who happened to be present. The object of the letter, they were told, was to assure them of the falsity of a rumour which might have reached their ears. The rumour was to the effect that the Marquis of Hamilton, the Earls of Haddington, Roxburgh, and Buccleuch, and others not named were lying under suspicion of practices directed against his Majesty's own person. The matter here referred to is one of the many mysteries to be found in Scottish history. The Marquis of Hamilton, the principal party implicated, had succeeded his father in 1625, and was now only about twenty-four years of age. From the first, Charles had shown himself kindly disposed to the young Marquis. He had induced him to come to Court, had made him Master of the Horse, and "used him with so much tender kindness, that his carriage to him spoke more of the affection of a friend than of the power of a master" (Burnet, *The Memoirs of James and William, Dukes of Hamilton*, p. 4, edit. 1677). But Hamilton was not content to be a mere Court favourite; he burned to distinguish himself as a soldier. As the most direct means of attaining this end, he came under an obligation to Gustavus Adolphus to raise a force of 6000 men for service in the Thirty Years' War. With the permission of Charles the Marquis set about raising his levies, which were to be partly Scots and partly English. This work accomplished, he

was on the point of departure for the scene of action when that charge was raised to which Charles referred in his letter to the Council. The person who raised it was Lord Ochiltree, the hereditary enemy of the house of Hamilton. He was, in fact, the son of the notorious pseudo-Earl of Arran, who in the early part of James VI.'s reign had possessed himself of the titles and lands of the then forfeited Hamiltons. The accusation brought by Ochiltree against the Marquis was that his real object in raising the levies was not foreign service, but the seizure of the Scottish crown. As nearest to the throne of all Scottish families, the representatives of the Hamiltons might naturally be suspected of such a design, and from the reign of Mary till the union of the Parliaments every successive head of their house at one time or other lay under this suspicion. What gave force to Ochiltree's accusation was the fact that he professed to have derived his information from Hamilton's own intermediary with Gustavus, David Ramsay, a gentleman of the Privy Chamber. In carrying out Hamilton's business, Ramsay had enlisted the services of Lord Reay, and it was from Lord Reay that Ochiltree had learned Ramsay's opinions of Hamilton's real intention. If we may believe Burnet, Charles refused to listen to the story, and treated his favourite with greater kindness than ever. At Hamilton's own desire, however, Ramsay and Reay were brought face to face, with the result that, while Ramsay denied having made the statements which Reay attributed to him, Reay stood to his original averment. (*Ib.*, p. 13.) Whether from policy or from conviction of Hamilton's innocence, Charles consistently acted as if all were well. He declared to the Council his belief in the loyalty of Hamilton and the other nobles at whom Ochiltree had pointed, and he gave the best assurance of his belief by urging on the levies which were under the special charge of Hamilton (p. 263). He took another step that pointed in the same direction : he sent Ochiltree to Scotland to be put through the form of a trial which should convince the Council and the country of the baselessness of the charge he had brought against Hamilton and the other Scottish nobles above-named. Brought down to Edinburgh as a prisoner, he was lodged in the Tolbooth, there to

await the trial that was appointed for him. He was guarded with the utmost vigilance, and it was with difficulty that even his wife was permitted to visit him. All the cicumstances connected with his case, indeed, suggest that there were secrets behind it into which it would have been impolitic to enquire too curiously. Ochiltree was in the Tolbooth by the beginning of November 1631 (p. 348), yet even in July, 1632, his trial had not begun, though again and again the date had been fixed and arrangements made for it. At length, on September 6th, 1632, a letter from Charles was tabled at the Council board, in which we find the following mysterious passage. "Having at this tyme amongst some other things concerning our service in that our kingdome imparted our mynde at lenth tuicheing the Lord Ochiltrie unto our right trustie and weilbelovit cousine and counsellour, the Erl of Stratherne [President of the Council], we have to that purpose givin directioun to him to signifie our pleasure unto yow, willing that suche ane course be takin with the said Lord Uchiltrie as the said Erle sall acquaint yow frome us" (p. 538). At this point, so far as the present volume is concerned, the business ends, and we need not anticipate the sequel.

The Earldom of Strathearn.

In connection with the fortunes of great Scottish families two other items have to be noted, both of which excited considerable interest during the period before us. On August 26th, 1631, William, Earl of Menteith, Lord Kilpont, Lord Justice-General and President of the Council, received the patent of the Earldom of Strathearn in virtue of his descent from David, Earl of Strathearn, son of Robert II. (p. 316). The granting of this patent has both a political and a literary significance. It raised the old question whether the descendants of Robert II. by his first wife, Elizabeth Mure, were not the true heirs of the Scottish Crown, and it prompted Drummond of Hawthornden to write his "Considerations to the King" and, in all probability, his "History of Scotland during the reigns of the Five Jameses" (Professor Masson, *Drummond of Hawthornden*, p. 221-223). The second item, if we may judge by the number of entries

relating to it, occupied more of the Council's attention than any other business throughout our period. This was the "rehabilitation" of Francis Stewart, son of the madcap Earl of Bothwell, who had been forfeited by James VI. for his repeated acts of sedition in the years preceding James's accession to the English Crown. The son had regained James's favour, and had received licence to enjoy whatever lands and titles he might acquire by "his owin industrie and pains"; and now Charles took the further step of restoring to him certain of the lands of the forfeited Earldom. The difficulty, however, was to decide which and what portion of the lands should be restored. Most of them had gone to the Earls of Buccleuch and Roxburgh, and the great business of the Council was to settle what could be legally taken from these noblemen and assigned to Stewart. In the final Act of Rehabilitation by the Parliament of 1633 the result of the investigation is definitively summed up, and by Charles's decreit-arbitral Stewart was reinstated in his paternal possessions. But, says Scot of Scotstarvet, "*male parta pejus dilabuntur*; for he never brooked them, nor was anything the richer, since they accresced to his creditors, and now are in possession of one Dr. Seaton." It is the son of this Francis Stewart, it will be remembered, who figures as the Bothwell of "Old Mortality."

The Earldom of Bothwell.

State of the Western Isles.

It was only by the constant reassertion of its authority that the government succeeded in maintaining a fair degree of order in the Highlands and the Western Islands. From a letter of Charles (10th December, 1631) addressed to the Council we might conclude that the Isles were relapsing into the condition which had existed previous to the "Band and Statutes of Icolmkill" (1609). On information supplied to him by the Bishop of the Isles Charles could write that "there is no order amongst thame [the Islanders] for increassing ather of religioun or civill policie." To remedy this state of things he recommended the measures which had been so successfully adopted by his father: in the following April or May the Council was to summon the leading chiefs, and, if need were, to detain them till he himself should come to Scotland. The notorious Captain of Clanranald was

to be specially dealt with, as he had again been giving conspicuous proof of his contempt for authority. When the Bishop of the Isles had attempted to lay hold on a priest who was entertained by certain of Clanranald's following, the attempt had been repulsed with violence offered to his own person (p. 389). The general state of the Highlands was equally unsatisfactory; and in their case there is abundant evidence to show that the government had good reason to be disquieted at the general prevalence of crime and disorder. In renewing the Earl of Moray's commission for securing peace in the North, Charles declared that he did so by reason of "the insolenceis and oppressions daylie committed" in that part of the country (p. 3). We turn the page and find how this state of things came to be. We have there a long list of outlaws, mainly in Strathdon, who are represented as making light of their sentence and contemptuously refusing to appear before the constituted legal authorities. There was a simple explanation of their audacity: they were in the following of the great Marquis of Huntly, who had so often and so successfully made his own terms with the Privy Council (p. 4). But the contempt of law was not confined to the domains of Huntly; in Menteith and Strathearn there had "brokin louse . . . nombers of brokin and lawlesse lymmars of the Clan Gregour and other brokin clans in the Hielands, who by the force of his Majesteis auctoritie wer some few yeeres bygane reduced to the obedience of law and justice." To suppress this "infamous byke of lawlesse lymmars" a special Commission was appointed with powers, which, if they could have been enforced, would have left few of the "lymmars" remaining (p. 100). Now, as in the past, however, there was the same difficulty in bringing the forces of order to bear in the Highlands: from motives of self-interest many chieftains connived at acts of violence in which they might themselves have no direct part. In these circumstances the Council could but re-enact two statutes which had been passed in 1567 and 1594 for the maintenance of law in the Highlands and Borders. All "landlords and bailleis" of the lands in these districts were to find caution for the good behaviour of all persons in their "obedience" (p. 198). As will afterwards be

State of the Highlands.

seen, even this stringent regulation failed to take effect, and it became more and more apparent that the government of Charles did not inspire the same respect as that of his father.

James Grant in Daltaleis.

Among all the Highland outlaws of the times James Grant in Daltaleis was the most notorious and dreaded. His exploits resounded throughout Lowlands as well as Highlands, and his name was on all men's lips. He belonged to the Grants of Carron, and his outlawry dated as far back as 1618, when he slew Patrick Grant in Lettache, of the Grants of Ballindalloch. The result of the homicide was a deadly feud between the two families of the Grants, in which James of Daltaleis made himself the terror of the district. Commission after commission had been issued for his arrest, but he had eluded every attempt at his capture, and, when the present volume opens, we find him still at large with a price of 5000 marks on his head (p. 92). The next document referring to Grant is a jubilant letter of Council to Charles announcing that the desperado had at length been taken. Six of his band had been captured and six slain, and he himself had received six arrow shots (p. 99). Conveyed to Edinburgh, he was lodged in the Castle, where, after the lapse of some time, he was made secure in irons (pp. 164, 204). It was the general conviction that it had not been without powerful support that Grant had so long been able to remain at large; and the Council apparently took every precaution both to keep him safe, and to provide that his trial should throw as much light as possible on all the circumstances of his career. When he was brought from the Castle to the Laigh Council House for examination, it was ordered that the bailies of the town should form his guard and that no one should be allowed to speak to him by the way (p. 258). In Grant's case, however, as in so many others, the suspicion arises that there were influences at work which were not in the interests of pure justice. It might have been expected that a criminal, whose misdeeds had been so flagrant, would be summarily disposed of; but in point of fact his trial was again and again postponed, and it was not till a full year after his capture that it was found "expedient"

to examine him regarding his "assistants, abbetters, and hounders out." It is further significant in connection with this resolution that he was not to be put on his oath and that no record was to be made of his deposition (p. 454). This decision was taken on March 27th, 1632, and the next entry (October 16th, 1632) regarding Grant informs us that he had made his escape from the Castle. Great, it would seem, was the indignation of the Council and great its zeal for his recapture. A vehement proclamation informed the lieges of the crowning "misdemeanour" of the "tratour, James Grant," and set forth a "pourtraite of his bodie" which might lead to his apprehension. Here is the picture of the man whose exploits leave far behind those of the Rob Roy of history, if not of romance. He was "of little stature, bald headed, braid faced, faire culloured, broun bairded, weake eyed, bow hoghed, fatt bellied, and about fiftie yeeres of age." From another source (Spalding, *History of the Troubles in England and Scotland*) we learn how his escape was accomplished. Enclosed in what was supposed to be a cask of butter sent in to him by his wife, he found a rope by means of which he descended the walls of the Castle. Every preparation had been made to ensure the success of his attempt. His natural son was ready to receive him when he descended, and the two in company made direct for the North. After lying sick in the woods near Denny for nine days, Grant finally disappeared in the Highlands, there to resume his career at a later day. The proceedings that followed Grant's escape strengthen the suspicion that more exalted persons than his wife had been concerned in it. After so successfully playing her part she also made her way to the North and sought the protection of the Marquis of Huntly, though on what "pretext" the Marquis professed to be quite unaware (p. 561). By the order of the Council she was conveyed to the Bishop of Aberdeen, who was instructed to cross-examine her and report her deposition. Though "sollemnelie sworne," she denied all art and part in her husband's escape, and even sought to mislead the authorities by suggesting that he had probably gone to visit his daughter in Ireland (pp. 576-578). With this

mendacious statement the record of Grant closes in the present volume.

The Burning of Frendraught.

But, as has already been said, the most notable incident in the history of the North was the famous tragedy, known as the "Burning of Frendraught." The relation of the Council to this incident consists in its protracted endeavour to discover the perpetrators of the crime, if crime it was. For the attainment of this object two means were adopted, the record of which occupies a considerable proportion of the present volume. A special Commission was appointed to visit the spot and to report on the question whether the fire was intentional or the result of accident; and, as a further means of discovering the truth, a number of persons, who were supposed to possess information regarding the unhappy business, were brought before the Council and subjected to long and searching examination. Under these two heads the numerous entries in the Register referring to the subject may be conveniently grouped. These entries have more than once been consulted by writers who have dealt with the incident,[1] but with the whole material now before us it can be treated with greater fulness of detail. Before noting the most important references to the subject, however, it is necessary to give a brief account of the tragedy itself.

In the Introduction to the preceding volume of the Register reference was made to the bitter feud between the Crichtons of Frendraught and the Gordons of Rothiemay. In connection with the feud it will be sufficient to note its history from the beginning of 1630—the year of the Burning. On the first day of that year an encounter took place between a party of the Gordons and a party of the Crichtons, in which the former lost William Gordon of Rothiemay and the latter, George Gordon, brother of James Gordon of Lesmoir. Through the mediation

[1] See "Proceedings of the Soc. of Antiquaries of Scotland," Vol. X., pp. 91-109, (Art. on "Burning of Frendraught" by Dr. John Stuart); Chambers's "Domestic Annals of Scotland," Vol. II., pp. 47-50; and Appendix to Spalding's *Troubles* (Ed. Spalding Club).

of the Marquis of Huntly James Crichton, the Laird of Frendraught, made his peace with the Gordons by paying the sum of 50,000 merks to the widowed Lady of Rothiemay. On the 27th September of the same year there befell another incident which leads us directly to the story of the Burning. In the fray which had chanced in the preceding January the Laird of Frendraught had been assisted by a gentleman named John Meldrum, who, not considering himself sufficiently rewarded for his efforts, indemnified himself by stealing two of Frendraught's horses. Having heard that Meldrum had taken refuge with his brother-in-law, John Leslie of Pitcaple, the Laird of Frendraught went in search of him, and, in the meeting that ensued, John Leslie, son of the Laird of Pitcaple, was shot through the arm. With the intention of again procuring Huntly's good offices, Frendraught sought that noble at his Castle of the Bog, whither he was followed by the indignant father of the wounded man. Pitcaple did not receive the satisfaction he desired, and left the castle in no pleasant temper. Detaining Frendraught for the night, Huntly sent him home the next day accompanied by his son, John, Viscount Melgum, and several of his own retainers. At the invitation of Frendraught the party agreed to remain overnight in his Tower. "They wor weill intertaynde," writes the chronicler, "soupit merrelie, and to bed went joyfullie." About midnight, after all had retired, the fire broke out, six persons were burnt, including the Viscount Melgum and the young Laird of Rothiemay who had accompanied him to Frendraught.[1]

As the clearest and most succinct method of presenting the various entries relating to the Burning of Frendraught they are here arranged in tabular form and in chronological order. It will be remembered that the tragedy took place on the morning of the 8th of October, 1630:—

November 2, 1630.—James Crichton, Laird of Frendraught, appears before the Council and comes under obligation to abide investigation into the burning of his Tower of Frendraught (p. 49).

[1] These incidents are somewhat differently told by Spalding in his "History of the Troubles," and Sir Robert Gordon in his "History of the Earldom of Sutherland."

November 25.—Alexander Leslie, brother to John Leslie, elder of Pitcaple, John Meldrum in Reidhall, Robert Wilsoun in Dykeside of Auchterles, and Robert Ridfurde in Meikle Wartill, have been charged at the instance of the Laird of Frendraught to appear for trial before the Justice "for the treasonable burning of the hous of Frendraught" (p. 72). The John Meldrum here mentioned was the same who had stolen the two horses from Frendraught. He was the only person who was executed on the charge of having been party to the Burning.

November 30.—Commission for the arrest of John Toshe, Thomas Jose, John Gibb, and Robert Bewlie. These persons held respectively the offices of master of the household, steward, gardener, and cook to Frendraught (p. 74).

December 7.—Supplication by Thomas Meldrum of Iden and his son, William Meldrum, for protection that they may appear before the Justice anent the burning of Frendraught (p. 80).

——— The Laird of Banff becomes caution that James Clerk, James Toshe, and Thomas Joyce, all servitors of Frendraught, will remain within the burghs of Edinburgh and the Canongate, and appear before the Council as often as they are summoned (p. 81).

December 9.—Examination of witnesses postponed till January 21, 1631 (p. 84).

December 16.—Mr. John Horne and James Clerk, chamberlains to Frendraught, allowed to return home (p. 94).

——— Thomas Meldrum of Iden becomes caution in 3,000 merks for the indemnity of James Crichton, his wife, children, and household (p. 96).

December 21.—The trial and torture of Margaret Wood, a servant-girl, postponed till January 20, 1631 (p. 97).

December 23.—Commission to George, Lord Gordon, and others to produce certain persons for examination anent their knowledge of the Burning (p. 103).

——— Commission to the Bishop of Dunblane and others to examine John Meldrum (p. 105).

January 11, 1632.—Commission to the Bishop of Aberdeen to examine Lord Forbes upon the interrogatories given in by the Laird of Frendraught (p. 112).

January 13.—Supplication by the Laird of Frendraught that the trial fixed for January 21, 1631, be postponed. The Council postpones the trial till June 15 (p. 115).

——— Deposition by Elizabeth Strachan, Lady Blackhall, anent Margaret Wood (p. 607).

February 1.—Margaret Wood to be put to the torture of the boot the following morning (p. 130).

——— Various depositions anent the Burning (pp. 609–611).

February 2.—Deposition by Margaret Wood and others (pp. 611–616). Wood's deposition was given under torture.

——— Laird of Frendraught becomes caution in 100,000 merks that his wife and the Laird of Banff will remain in Edinburgh till they are allowed to depart (p. 135).

February 3.—John Toshe and John Meldrum to be put to the torture if their answers be not satisfactory (p. 135).

February 5, 1631.—The torture of John Toshe and John Meldrum to be postponed till further evidence be forthcoming against them (p. 136).

February 10, 1631.—Margaret Wood to be tried for perjury (p. 141).

February 15.—Ministers appointed to visit her in prison, and endeavour "to make her sensible of her sinfull estate" (p. 143).

April 1.—Margaret Wood to be scourged and banished (p. 200).

April 4.—Commission appointed to visit the Tower of Frendraught and investigate the origin of the fire (p. 207).

April 20.—The Commissioners report that they are unable to determine whether the fire was accidental or not, but that it could not have taken place "without aide from within" (p. 214).

April 26.—At the request of Charles a special Committee of the Privy Council is to be appointed to inquire into the origin of the fire (p. 320).

January 9, 1632.—Letter of Charles from which it appears that, owing to the pressure of other business, the Committee has been unable to direct its attention to the Burning of Frendraught (p. 402).

June 5.—Letter from Charles requiring the Council to devote one day a week to the Burning (p. 489).

——— Another letter from Charles requiring the Council to put John Meldrum to the torture (p. 490).

July 5.—Commission appointed to try John Toshe, and to apply torture if necessary (p. 505).

November 20.—Petition by the Marquis of Huntly for the postponement of the trial of John Toshe (p. 569).

Such are the significant entries in the Register which record the action of the Council in connection with the Burning of Frendraught. The protracted nature of the proceedings is the first fact that strikes us. The first entry above noted falls under November 2nd, 1630, and the last under November 20th, 1632. As the result of all the Council's investigations only one definite conclusion had been reached: the girl, Margaret Wood, had been found guilty of perjury in giving her evidence, and was sentenced to be scourged and banished. Regarding the two persons, John Toshe and John Meldrum, whose guilt was most strongly suspected, the Council was still in doubt, though at a later day Meldrum was justly or unjustly to be charged with the crime and to suffer for it. As far, therefore, as the evidence of this portion of the Register goes, we are left completely in the dark as to the origin of the disaster. From the report of the special Commission, as from the depositions of the different witnesses, no conclusion can be drawn as to whether the fire was the result of accident or deliberate intention, and in this atmosphere of mystery the question will probably remain. In connection with the application of torture one or two interesting facts emerge. It is evident that the Council had no

liking for this method of extracting the truth, and only in extreme cases had recourse to it. It would seem, also, that when torture was applied it was the unwritten law of the Council that all its members, or, at least, all within call, should be present. From a letter of the Council to Charles we learn in what light it regarded the practice. In appointing the Commission for the investigation of the origin of the fire Charles had expressed the wish that the Commission should have the power to apply torture if it was found necessary. To this proposal the Council opposed two objections: such a power would be an infringement of a privilege which belonged only to itself as the supreme judicatory of the kingdom, and it would, moreover, be a "dangerous preparative" which might have evil results in the future (p. 435). At a later period of the national history the Privy Council did not exhibit the same indisposition to make full use of its privilege.

Cases of Disorder.

The examples of lawlessness above noted were confined to the north of the Forth; in the Lowlands, also, we find several instances of audacious defiance of authority. As specimens of such cases we may refer to the proceedings in connection with the Place of Touch and the manor of Whitekirk (pp. 32, 33). The judgment of the Council in the case of an atrocious incident reported from the Shetland Islands carries us back to a remoter period of Scottish history. A certain Walter Feya was charged with having "verie cruellie cutted out the lugges of ane poore woman's heid," and the sheriffs of the Orkneys and the Shetlands consulted the Council as to what punishment should be inflicted on the perpetrator of such an act. The answer of the "supreme judicatory of the kingdom" was that Feya's own ears should receive similar treatment if he were found to be guilty (p. 140). At p. 223 we have the complaint of the minister of Dunscore regarding an unruly parishioner, one John Moffat at Craigenputtock, who had long been under excommunication for "disobedience to the kirk." One Sunday, when the minister was baptising a child, Moffat, accompanied by one of his tenants, entered the church, seized the laver, and "slang" its contents

over the church. This was but one misdemeanour on the part of Moffat and his attendant, as we are told that they were in the habit of breaking down the wall of the churchyard, feeding their cattle and sheep within the same, and so "defiling and abusing the churchyard with the dung of their bestial as if it were a fold or byre" (p. 223). In connection with this case it may be noted that kirks and ministers were not infrequently the objects of unusually outrageous acts of violence. At p. 89 we have the account of a scene in the "Little Kirk" in Edinburgh, in which two prominent personages played the chief parts. On Sunday, December 12th, 1630, the Laird of Frendraught, of whom we hear so much, was "sitting quietly and peaceably" in that place, awaiting the beginning of the service, when John, Bishop of the Isles, entered and made for the Laird "with ane angrie and boasteous countenance." Frendraught, according to his own account, made way for the angry bishop, who instead of passing on raised his fist with the intention of bringing it down on Frendraught's head. In his heat, however, the bishop missed his blow, but succeeded in knocking off his intended victim's hat, and this in "the sight of the haill people conveened in the kirk, who with great greefe recented the scandalous profanatioun of thair kirk upon the Lord's holie Sabboth." The Council sympathised with Frendraught in his complaint, but, as his assailant was "ane ecclesiastical persoun," they handed him over to the Archbishop of St. Andrews. The bishop, it should be said, brought a counter-complaint against Frendraught, but the Council was of opinion that he failed to prove any part of his case.—A mysterious affair, the details of which are not fully recorded, was the burning of the house of Mr. David Leitch, minister at Dundrennan. The fire took place "under silence of night," and there was a strong presumption that it was not the result of accident, but the work of certain excommunicated persons. In this case, as in that of the Burning of Frendraught, the Council appears to have been helpless from the contradictory nature of the evidence. It took its usual step of appointing a commission of enquiry, but the result does not appear in the present volume (pp. 257, 258, 268, 396, 438). But the most notable case of

insubordination out of the Highlands was that of Patrick Halket of Lumquhinnans, aided and abetted by his family and dependents. On pp. 485-487 we receive the following information regarding the proceedings of the Halkets. For "twelve or fourteen years" they had "maisterfullie and violentlie keeped and possest" the place and lands of Lumquhinnans "in contempt of law and justice." On the 5th of March, 1630, they had been denounced rebels and put to the horn. As they paid no heed to this intimation the sheriff of Fife was empowered to effect their arrest and to eject them from what was virtually a stronghold. The sheriff entrusted one of his deputes with the execution of the law; and that officer, accompanied by several attendants, proceeded to the Place of Lumquhinnans. The Halkets were as undismayed as ever; they had laid in a fresh store of provisions, weapons and ammunition; they had erected a "sconse" near the house in which they had planted their guns; and had strengthened their garrison by the enlistment of a number of soldiers lately returned from service on the Continent. When the depute summoned them to surrender, he was greeted with "blasphemous words"; "they cared not altho the devill tooke thame, for they behoved once to dee." As the depute had not received warrant of fire and sword, he could only withdraw and report his ineffectual errand. In these circumstances there was but one course open to the Council—to empower the sheriff to raise the lieges and carry the Place of Lumquhinnans by assault. This warrant was granted on May 2nd, 1632, and on June 7th, the sheriff-depute of Fife was able to present the two brothers, Andrew and John Halket, before the Council (p. 492). In this case, there was no delay of justice: on the 12th of June the brothers were sentenced to banishment for life (p. 495).

Miscellaneous.

At p. 236 we find notice of a custom which throws a curious light on the observance of the post-Reformation Sunday. In the dioceses of Aberdeen and Moray it had been the practice of messengers and other officials to announce their commissions at the church doors during the time of divine service. The effect of these proceedings was somewhat discomposing both to the

preacher and his congregation. When the official was at the door, every worshipper supposed that he might have a special interest in the intimation about to be made, and rushed out to hear it. The Council was of opinion that this custom was "to the great offence of God, scandall of the Kirk, and contempt of all good order"; but the ordinance which it issued does not give proof of excessive zeal for the decorum of public worship. It was forbidden "to execute anie letters or precepts of whatsomever nature or qualitie upon the Sabboth day except onlie warnings for removing and redemption of lands, inhibitiouns of teinds, warnings to compeir before the Commissioners for the Surrenders and Teinds and charges of horning quhilks be the warrand thairof ar ordained to be execute at parish kirks." Attention may be called to two other entries, both of which, however, are well-known to those interested in the subjects to which they refer. The one contains a proposal of the magistrates of Edinburgh "for the ease and conveniencie of the Estaits and credite of the kingdome to build and raise ane Parliament hous and Counsel hous and Session hous" (p. 448); and the other a letter from Charles recommending the foundation of a "College of Physicians" (p. 69).

I have again to thank the Rev. Henry Paton, M.A., for his valuable assistance in the preparation of this volume.

P. HUME BROWN.

ERRATA.

P. v., line 7 from foot of page, *for* 1631 *read* 1632.

P. xxviii., line 13 from top of page, *for* Alexander *read* David.

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

Acta July 1629-December 1630. Fol. 246, a.

Sederunt—Chancellor; Treasurer; S^{t} Andrewes; Privy Seal; Wintoun; Linlithgow; Perth; Roxburgh; Seafort; Lauderdaill; Annandaill; Air; Bishop of Dunkeld; Bishop of Abirdene; Lord Gordoun; Lord Lorne; Lord Carnegie; Lord Naper; Lord Tracquair; Master of Elphinstoun; Secretary Principal; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie. Holyrood House, 3rd August 1630.

Fol. 246, b.

"Forsameekle as the Kings Majestie hes written his princelie directiouns unto the Commissioners of his Parliament for prorogatioun and continewing of the same until the first day of Apryle nixtocome, whairby his Majestie may have some more tyme and leasure to be heere in persoun at the said Parliament and to receave his crowne for the peace and securitie of this his native and ancient kingdome, thairfoir the Lords of Secreit Counsell, according to his Majesteis expresse command and directioun sent unto thame, ordains letters to be direct charging heraulds, pursevants, and messingers of armes to pas to the mercat croce of Edinburgh and others places needfull and there be opin proclamatioun to make intimatioun to all his Majesteis lieges and subjects that the said Parliament is prorogat and continewed till the said first day of Apryle nixtocome, and to warne all prelats, noblemen, commissioners for the barons and burrowes and all others having place, vote or owing attendance in the said supreme Court of Parliament to attend and await upon the same the day foresaid with continuatioun of dayes and to doe and performe all and sindrie suche things as to thair places and offices apperteanes, with intimatioun as effeirs. Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R.—Right Declaration of the postponement of the meeting of Parliament till April 1st, 1631.

trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weill. Whereas we have written our princelie directiouns unto our Commissioners of Parliament to prorogat and continew the same unto the first day of Apryle nixtocome whairby we may have some more tyme and leasure to be there in person at the said Parliament and to receave our crowne for the peace and securitie of that our native and ancient kingdome, our pleasure thairfoir is and we doe heirby authorize, will and require yow that after the said Parliament sall be prorogated and continued, as said is, yow caus intimat the said prorogatioun and continuatioun to all our good lieges within our said kingdome by opin proclamatioun at the mercat croce of Edinburgh and others places neidfull, and warne all prelats, noblemen, commissioners for barons and burrowes and all others having place, vote or owing attendance in the said supreme court of Parliament, to attend and await upon the same the foresaid day with continuatioun of dayes and to performe all and sindrie suche other things as to thair places and offices doeth apperteane. And for doing of the premises these our letters sall be unto yow and everie of yow frome tyme to tyme your sufficient warrand and discharge in that behalffe. And so we bid yow heartilie fareweill. Frome our Court at Whitehall the 20 day of Apryle 1630." Acta July 1629-December 1630. Fol. 246, b.

Sederunt ut die predicto.

Holyrood House, 5th August 1630. Caution by John Gordon of Buckie for Doctor William Leslie.

"The whilk day in presence of the Lordis of Secreit Counsell compeired personallie Johne Gordoun of Buckie, and become actit and obleist as cautioner and souertie for Doctour Williame Leslie that he sall depart and remove furth of this kingdome betuix and the tent day of August instant under the pane of ane thowsand punds. And the said Doctour Leslie, compeirand lykewayes personallie, actit, band and obleist him not to returne agane within the said kingdome without his Majesteis licence under the pane of twa thowsand punds." Fol. 247, a.

Mr. James Galloway, Master of Requests, to be admitted a member of Council.

"The whilk day George, Vicount of Dupline, Lord High Chanceller of this kingdome, produced and exhibite to the Lords of Privie Counsell ane warrand signed be the Kings Majestie and directed unto him willing him to receave and admitt Maister James Galloway, Maister of Requeists of this kingdome, to be one of the Privie Counsell of the same, the said Lord Chanceller having first administred unto him the oath accustomed in the lyke caises. Quhilk warrand being heard and considderit be the saids Lords, they ordaine the same to be insert and registrat in the Bookes of Privie Counsell to the intent that howsoone the said M^r James sall happin to repaire to this kingdome, the oathe may be administrat unto him and that accordinglie he may be admitted to be ane of the said Privie Counsell; of the whilk letter the tennour followes:—

Acta July 1629-December 1630. Fol. 247, a.

CHARLES R.—Right trustie and weilbelovit counsellour. We, understanding perfytelie the sufficiencie of our trustie and weilbelovit Mr James Galloway, Maister of requeists to us for the kingdome of Scotland, and his affectioun to our service, we ar pleased in regarde thairof and becaus his charge doeth necessarilie requyre that he sould be one of our Privie Counsell, to promove him to be one of the nomber. And thairfoir our pleasure is and we doe heirby requyre yow that having administred unto him the oath accustomed in the lyke caise yow admitt him to be one of our Privie Counsell and to have thairin suche exercise and priviledge of his place as anie other Maister of requeists at anie tyme heeretofore hath had. And to that effect that yow caus enact the same in the Bookes of Counsell of Scotland; for doing whairof these presents sall be your warrand. Givin at our Court at Whitehall this fyft of May 1628."

Letter from his Majesty continuing the Earl of Moray in his Commission.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie, wes presented to the Lords of Secreit Counsell and read in thair audience, quhilk being considderit be thame, they crdaine the said missive to be insert and registrat in the bookes of Privie Counsell there to remaine *ad futuram rei memoriam*; of the whilk missive the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and right trustie and trustie and weilbelovit counsellours, we greit yow weill. Having beene formerlie pleased upon some good considerations than moving us to require our right trustie and weilbelovit cousine and counsellour the Erle of Morray to surrender his commissioun, bot being informed that the insolenceis and oppressiouns daylie committed within these northerne parts in great contempt of our auctoritie and lawes require a speedie course to be takin for repressing thairof, and being still confident of the said Erle his affectioun to our service, and that he will use the executioun of that commissioun (whiche we intend not to renew
Fol. 247, b. at the expyring of the dait thairof) in suche a moderate and faire maner as none of our subjects can have just caus to compleane, our pleasure is that the said commissioun be continewed according to the tyme and tennour thairof and be als effectuall unto him in all respects whatsoever as if we had never required him to surrender the same. And (if it be by yow found requisite) that yow approve the same ather by act of Counsell or by causing intimat our pleasure heerin in suche parts and after suche maner as yow thinke fitt, or otherwayes after what other forme yow for that purpose sall thinke most requisite, whiche recommending to your care we bid yow fareweill. Frome our Court at Whitehall the last day of June, 1630."

Decreta, January 1630-February 1631. Fol. 97, a.

Sederunt—Treasurer; Præses; Marshell; Mar; Wintoun; Linlithgow; Roxburgh; Seafort; Annerdaill; Lauderdaill; Bishop of Dunkeld; Bishop of Abirdene; Bishop of Dumblane; Air; Holyrood House, 5th August 1630.

Lord Gordoun; Lord Lorne; Melvill; Carnegie; Naper; Tracquair; Secretary Principal; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Decreta, January 1630-February 1631. Fol. 97, a.

Complaint by Janet Grant and others against the Marquis of Huntly and Lord Gordon for allowing Robert M'William M'Gruman and others to remain contemptuously at the horn.

Complaint by Janet Grant, as mother, Patrick and Archibald Grant, Fol. 97, b. as brothers, and Patrick Grant of Strahauche, as uncle of the deceased Thomas Grant of Dalvey, and John Grant, apparent of Ballindallache, as the party grieved, as follows:—On 30th September 1628 Robert M^cWilliam M^cGruman in Belledine, James M^cGruman, his brother there, William M^cWilliam M^cGruman there, James Grant in Inneroure, John Gordoun, younger there, John Beg, John Baine there, Allan Boyne M^cFinlay in Innerlochie, John M^cWilliame V^cEane there, Robert M^cWilliame V^cEane, his brother there, John Riache M^cInraour in Cleuchrie, Alaster Dow M^cInraour in Glenconiglas, William Stewart in Tomnachlagane, John M^cAlaster V^cJeane Riache in Auchinlechine, William M^cJames M^cGibboun in Kirkmichaell, Ferquhar M^cJeane Riache in Ballintrowane, John M^cLauchlane in Innerchebbet, Patrick Gordoun and John M^cAgie in Inneroure, John Dow M^cGibbonache in Creuchlie, and John Cumming there, were put to the horn at complainers' instance for not compearing before the Earl of Murray, his Majesty's Lieutenant and Justice in the north, and his deputes, to underlie the law for the slaughter of the said Thomas Grant and Lauchlan M^cIntoshe, son of the deceased Thomas M^cIntoshe in Roakmore, and they remain contemptuously at the horn, and have their residence within the bounds of Stradoun, pertaining to George, Marquis of Huntlie, and George, Lord Gordoun, his son. They are under their obedience, and accompany them "at thair oasting and hunting and all others thair assemblies and gadderings," and therefore the said Marquis Fol. 98, a. and his son, as masters and proprietors of Stradoun, ought to be responsible for these rebels and produce them to justice. Charge having been given to the said Marquis and his son, and they compearing as defenders, together with the said John Grant, apparent of Ballindalloche, for himself and the other pursuers, and witnesses having been examined, the Lords find "that the peace and quyet of the countrie necessarilie requires that the saids Marqueis of Huntlie and Lord Gordoun, as being the onelie men of power, freindship and authoritie within the bounds foresaids, aucht and sould be burdenned for exhibitioun of the saids rebells, seing the wodsetters ar not of power nor auctoritie to doe the same," and they give order to this effect.

Complaint by John Toft, shepherd, against James Mouat for assault.

Complaint by John Toft, shepherd in West Gordoun, as follows:—On April last James Mouat of Fawsyde, armed with a sword staff, and accompanied by "ane great mastish dog," came to the Mains of West Gordoun, where the complainer was peaceably pasturing his goods, and hounded the dog at him. The complainer turned to defend himself from the dog, when James Mouat came "behind his backe, drew

Decreta, January 1630-February 1631. Fol. 98, b.

his sword and strake him in at the craig thairwith," and having given him "manie others bloodie straikes," left him lying for dead. The pursuer compearing, but the defender not, the Lords ordain him to be put to the horn.

Complaint by Mr. John M'Kenzie, student in St. Andrews, and others against Mr. Alexander Gray and others for robbery and assault.

Complaint by Mr. John M^cKeinzie, student in St Andrewes, David Mitchell and John Finnell, common servants there, and Robert Wilsoun, servitor to the said Mr. John, as follows:—On April last, Mr. Alexander Gray, indweller in St Andrewes, came to Mr. John M^cKeinzie's study in the town of St Andrewes, he being for the time at Edinburgh, and there the said Mr. Alexander Gray, and some others with him, broke up his coffers, took out his books and other property within the said study, "and verie cruellie buffetted the saids David Mitchell, John Finnell, and Robert Wilsone, with his hands and feit, to the effusioun of his blood, and speciallie caused the said Robert Wilsone to gushe furth blood at the mouth and nose." The pursuers compearing by John M^cClie, their procurator, and the defender also being present, and the probation being referred to his oath of verity, on his deponing that the study in question was his own, and that the other parts of the complaint were not true, the Lords assoilzie him.

Fol. 99, a.

Complaint by Sir James Balfour, Lyon King-of-Arms, against Alexander Reid and others who have refused to submit to him their books of arms as commanded by the Council. See Vol. III. (Second Series), p. 594.

Complaint by Sir James Balfoure of Kynnaird, knight, Lyon King-of-Arms, as follows:—Their Lordships have recommended to him the reformation and correction "of suche abuses as hes beene verie frequent and commoun within this kingdome in the persouns of goldsmiths and painters by giving of armes promiscuouslie to all persouns without trew notice and distinctioun of the qualiteis of the persouns to whome they give the same, and the Lords of Privie Counsell by thair proclamatioun published at the mercat croce of Edinburgh, having commanded all goldsmiths and painters to exhibite thair bookes to the compleaner to be perused and considderit be him and to be corrected in suche points as ar defective and uncorrect thairin," yet none of them have produced their books, and intend to continue in their former abuse of "giving armes at thair pleasure to the great disgrace and discredite of this kingdome." Charge having been given to Alexander Rid, Gilbert Kirkwod, George Craufurd, Thomas and William Crawfurd, George Robertsone, James M^cAwlay, Thomas Cleghorne, James Dennistoun, John Mudie, James Stalker, Charles Dickiesone, Andrew Boyle, John Scot, James Fraser, Andrew Lamb, and Thomas Thomesone, goldsmiths, and John Miller, William Stewart, John Sawers, James Warkman, elder and younger, and Robert Tailzefeir, painters, to compear and produce their

Fol. 99, b.

"bookes of armes" for the purposes above stated, the pursuer and all the defenders compeared, and the said James Warkman produced "ane booke of armes," which the Lords having seen, and having "heard the said Sir James anent the abuses and errours conteanit thairin," they ordain "the said Sir James to peruse and examine the said booke and to reforme and rectifie the errours and faults that he sall find thairin, and

the said booke being thus corrected and amended to delyver ane double thairof to the said James Warkman," whom with the remanent defenders, painters foresaid, they discharge meanwhile "of all painting, drawing and setting doun of armes bot by the advice and directioun of the said Lyoun or of his deputs warranted by him to that effect; and ordains the interments and funeralls of noblemen and gentlemen of good qualitie to be marschalled and ordered by the appointment of the said Lyoun and suche of his brethrein unto whome he sall be pleased to committ the charge of that bussines, and discharges the saids painters to interpose thameselffes, or to meddle in anie thing concerning the saids funeralls except the painters of armes allanerlie, and that in maner abone prescryved. Lykeas the saids Lords ordains the said Lyoun to make and sett doun ane perfyte Booke of Armes, and to delyver ane just and trew copie thairof to the deacoun of the goldsmiths to remaine with him and his successouris in the said office for ane warrand and exemplar to the rest of the goldsmiths whairby to rule thair working and graving of armes. And becaus it is understand to the said Lords that some messingers of armes being suspended or depryved and thair blasouns takin frome thame, doe notwithstanding in contempt of auctoritie and abuse of his Majesteis subjects caus make new blasouns and serves his Majesteis subjects thairwith as if they were not suspended nor depryved; thairfoir and for avoiding of this abuse in tyme comming, the saids Lords discharges the saids goldsmiths of all making of anie blasouns to anie messinger till they first acquaint the said Lyoun thairwith and receive his warrand and allowance to that effect, under all highest pane that they may incurre by law incaise of thair dissobedience." Decreta, January 1630-February 1631. Fol. 99, b.

Complaint by William Wilson, elder, in Monkrig and others on the ground that the caution of 500 merks demanded by Thomas Shields is beyond their quality.

Complaint by William Wilsone, elder, in Monkrig, William Wilsone, his son, John Dickiesone there, Andrew Marke there, William Sinclair and John Middlemist in Hadintoun, as follows:—They have been charged at the instance of Thomas Scheills in Sandersdaes, Margaret Bartismow, his wife, John, Alexander, and Thomas Scheills, his sons, and Bessie and Isobel Scheills, his daughters, to find caution for their indemnity, each in 500 merks. This sum is far beyond their quality, they being "bot simple yeomen and meilmakers, living be thair handie labour," and so in terms of the Act of Parliament limited to £40, and they crave modification thereof accordingly. The pursuers compearing by Mr. Alexander Hepburn, writer in Edinburgh, and the defenders not compearing, the Lords meanwhile suspend the letters issued against them, and ordain the caution to be modified in each case to 100 merks. Fol. 100, a.

Holyrood House, 5th August 1630.

"The Lordis appointis the nixt Counsaill day to be upoun the aucht of September nixt." Sederunts, November 1629-January 1635. Fol. 31, a.

Next meeting of Council.

Mr. William Kellie and the bailliery of Dunbar.

"Ane missive frome his Majestie concerning Mr Williame Kellie for usurping upoun him the baillierie of the lordship of Dunbar. Ordains him to be warnit to the nixt Counsall day."

Sederunts, November 1629-January 1635. Fol. 31, a.

"The quhilk day the Capitane of the Clanrannald gaif his compeirance befoir the Counsell to whome the Lordis recommendis the building of a kirk in South Ust." Captain of the Clanranald before the Council.

"Sir Donald McDonald, cautionar for the Capitane his compeirance the nixt yeir and for observatioun of the remanent conditionis contenit in the formair actis." Caution by Sir Donald M'Donald for the Captain of the Clanranald.

"The quhilk day the Capitane of Clanrannald nominat James Logy his duelling house as a domicile quhairat all chargeis to be used aganis him salbe execute." The Captain of the Clanranald.

"A missive anent the Franshe ship procest befoir the Admirall." The French ship.

Acta July 1629-December 1630. Fol. 247, b.

Sederunt—Chancellor; Treasurer; President; Privy Seal; Mairshell; Mar; Murrey; Wintoun; Roxburgh; Seafort; Annerdaill; Air; Lord Gordoun; Lord Lorne; Bishop of Dunkeld; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Master of Elphinstoun; Sir William Alexander; Sir Archibald Achesone; Clerk of Register; Advocate; Justice Clerk; Sir John Scot. Holyrood House, 9th August 1630.

"Forsameekle as the Kings Majestie out of his royall and princelie regarde of the weale of this his ancient kingdome, being carefull to foresee all occasiouns for preventing anie inconvenient that may come by leading of teinds this yeere, his Majestie for this effect gave directioun to the commissioners nominat be his Majestie for the treatie anent the surrenders and teinds to take some course that the heretours might leade the teinds of thair awin lands according to the valuatiouns made or to be made, they paying or securing thair teind maisters for the same, especiallie where the titular being callit wes found and declared to be in default of the not valuatioun of the teinds. Quhairupon sindrie titulars and heretours being laitlie conveenned before the saids commissioners, and they having takin tryell in some particulars concerning this bussines, a part of thame hes beene discust. Bot the shortnesse of tyme and manie great occasiouns of his Majesteis effaires and service interveening in the meane tyme impeded and stayed the commissioners to discusse all the citations and warnings givin to that dyet. And whereas some mistaking might be apprehendit be his Majesteis subjects of his Majesteis gratious and royall intentioun anent the mater of the teinds, as if his Majestie intended that everie heretour sould lead his awin teinds without respect to the valuations and in whois default the not valuations hes proceedit, thairfoir the Lords of Secreit Counsell for preventing of suche mistakings and for cleering his Majesteis subjects of thair doubts in this point hes thought meit heirby to signifie and declare that nane of his Majesteis subjects whatsomever ar warranted by his Majestie to leade thair teinds this present yeere bot suche as hes beene in use of leading thir diverse yeers bygane and hes Act declaring that no one shall lead his teinds this present year except such as have done so in past years, or such as have received warrant from the Commissioner for Surrenders.

beene heard before the saids commissioners and by thame hes beene allowed to doe the same. And thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull that nane of thame presoome nor take upon hand to leade thair teinds this present yeere except suche persons as hes beene in use of leading thair teinds thir diverse yeeres bygane and suche as hes beene warranted be the saids commissioners to doe the same, they fulfilling to the titulars the conditiouns prescryved to thame under all highest pane, cryme and offence that they may incurre aganis his Majestie in that behalffe, and to be callit, persewed and punished as disturbers of the publict peace and quyetnes of the kingdome." Acta July 1629-December 1630. Fol. 248, a.

The Council, by allowance of his Majesty, accept the offer of the burgh of Edinburgh to pay 40,000 pounds as a composition for the ordinary and extraordinary taxation of the said burgh.

"Forsameekle as the Kings Majestie by his letter directed to the Lords of his Privie Counsell hes signified his royall and princelie dispositioun towards the burgh of Edinburgh and suche others burrowes as would joyne with thame tuicheing the componing with thame for thair extraordinar taxatioun quhairin his Majestie hes declared that he will be no lesse favourable than his lait royall father wes, and as his Majestie upon good considerations hes heeretofore beene, and thairfoir his Majesteis pleasure is that the saids Lords sall compone with suche of thame as is willing to goe on in that course, as his Majesteis letter directed to the saids Lords heeranent beiris. Quhairupon M^r^ Johne Hay, Clerk of the said burgh, compeirand personallie before the saids Lords, and his Majesteis royall will and pleasure being signified unto him, he in name of the said burgh and with most humble thankes acknowledging his Majesteis favour showin to the said burgh in this point, offered to give unto his Majestie the sowme of fourtie thowsand punds in full contentment and satisfactioun of the ordinar taxatioun of the said burgh and of the extraordinar taxatioun upon the annuelrents for the whole foure termes payment of the said taxatioun; quhilk sowme wes the usuall and ordinarie sowme that wes payed be the said burgh for the ordinar and extraordinar taxatioun thairof in the twa taxatiouns immediatlie preceeding, and the said M^r^ Johne promeist that thankefull payment sall be made of the said sowme at the termes of payment of the said ordinar taxatioun. And he declared that in the distributioun of this sowme amongs the nighbours and inhabitants of the said burgh, the said burgh would use the commoun and ordinarie form observed in tyme bygane by making choise of sworne men to stent the saids inhabitants without urging of anie persons to give up inventar of the sowmes auchtand unto thame or by thame for whilk annuel is to be payed, and that they would stent nane bot the heretours of lands within the said burgh according to the rate of thair lands and rents within the same, and all others burgesses and inhabitants within the said burgh not being members of the Colledge of Justice, who be vertew of the Act of

Acta July 1629-December 1630. Fol. 248, a. Fol. 248, b. Conventioun ar lyable and subject to the payment of the ordinar and extraordinar taxatioun within the said burgh, comprehending thairin als weill minors with thair tutors and curators as all others persons of lawfull and perfyte age. Quhilk offer made be the said M[r] Johne Hay in name of the said burgh being heard and considderit be the saids Lords and they rypelie advised thairwith, thairfoir the saids Lords with the Kings Majesteis gratious allowance hes accepted and be the tennour heerof accepts the said offer of fourtie thowsand punds made be the said M[r] Johne Hay in name of the said burgh in full and compleit satisfactioun of the ordinar taxatioun of the said burgh, and of the extraordinar taxatioun upon the annuelrents for the whole foure termes payment thairof; and ordains the provest and bailleis of the said burgh to delyver to the Collectour of the taxatioun or Clerk of the same ane note subscryved be the Clerk of the said burgh conteaning the names of all suche persons within the same as ar burgesses and freemen lyable to watche and waird and to contribute with the said burgh in all the publict adoes thairof sua that they nor no uthers be comprehendit within this agreement, secluding out thairof for the mater of the extraordinar taxatioun all persons dwelling in the countrie altho they have tenements of land within the said burgh for the quhilk they ar lyable to pay ordinarie taxatioun; commanding heerby all the inhabitants within the said burgh that nane of thame presoome to lend thair names to the outputting of moneyes apperteaning to persons dwelling in the countrie as they will answere upon the contrarie at thair perrell."

The Council, by allowance of his Majesty, accept the offer of the burgh of Aberdeen to pay 1450 pounds as composition for four years' taxation.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Paul Meinzeis of , provost of the burgh of Aberdein, and M[r] Alexander Jaffrey, baillie of the said burgh, and declared that in the taxatioun grantit to our lait soverane Lord of famous and blessed memorie and in the taxatioun grantit to the Kings Majestie in the moneth of October 1625 they agreed with the saids Lords for the sowme of ane thowsand foure hundreth and fiftie punds for everie yeeres payment of the extraordinar taxatioun of the said burgh upon the annuelrents in the twa taxatiouns foresaids. And whereas the lait taxatioun grantit to the Kings Majestie in the moneth of July now bygane is equivalent in proportioun both for the ordinar and extraordinar taxatioun to the twa former taxatiouns abonewrittin grant[it] in August 1621 and in the moneth of October 1625 the saids Paul Meinzeis, provost, and M[r] Alexander Jaffrey, baillie of the said burgh of Aberdein, and as commissioners for the said burgh, offered to take the lyke course with the saids Lords for thair extraordinar taxatioun at this tyme as they did in the twa former taxatiouns foresaids, and they humbelie desyred the saids Lords to accept of thair offer and to agree with thame thereanent, and that they might have ane Act of Counsell past and extendit thairupon in the same forme and tennour

whilk they had in the twa former taxatiouns abonewrittin. Quhilk offer being heard and consideritt be the saids Lords and they having lykewayes read, heard and consideritt his Majesteis missive letter directed unto thame whairby his Majestie hes signified his royall will and pleasure that the lyke course be tane with suche of the burrowes as ar willing to goe on with thame in this present taxatioun as wes done in the twa preceeding taxatiouns abone writtin, thairfoir the saids Lords hes accepted and be the tennour heerof accepts of the offer foresaid of ane thowsand foure hundreth and fiftie punds made be the saids provest and baillie of Aberdein as commissioners and in name of the said burgh for the extraordinar taxatioun thairof for everie ane of the foure yeeres payment of the said taxatioun, quhilk sowme for everie one of the saids foure yeeres they ordaine to be payed with the ordinar taxatioun of the said burgh at the termes of payment of the said ordinarie taxatioun and to be paid be the burgesses, freemen and inhabitants of the said burgh who be the law hes beene obleist in tyme bygane to pay ordinar taxatioun and to keepe watche and waird and to beare all others burdeins for the weale of the said burgh, togidder with the wedowes and the sonnes and daughters, being minors, of all suche burgesses, freemen and inhabitants as in thair lyfetymes wer of the conditioun and nomber abonewrittin and did beare burdein within the said burgh in maner abonespecified, sua that they and no others sall be comprehendit within this agreement, secluding out thairof all persons dwelling in the countrie although they have tenements of land within the said burgh for whilk they ar lyable to pay ordinar taxatioun. And for releefe of the magistrats of the said burgh anent the payment of this extraordinarie taxatioun the saids Lords gives full power and commissioun be thir presents to the saids provest and bailleis of the burgh of Aberdein and thair clerk to take up inventars of all moneyes lent out upon annuelrents be the nighbours and inhabitants of the said burgh of the qualitie and conditioun abonewrittin, and to hold courts to that effect conforme to the Act of Estaits made anent the said extraordinar taxatioun; and the saids inventars being made, ordains letters to be direct charging all and sindrie persouns of the qualitie and conditioun abonewrittin addebted in payment of the said extraordinar taxatioun upon annuelrents to make payment to the saids provest and bailleis of the dew taxatioun of the same annuelrents within twentie dayes after the expyreing of eache terme appointed for payment of the said extraordinarie taxatioun, under the pane of rebellioun, etc., and if they failyie to denunce and to escheit, etc., and, if neid beis, that the saids provest and bailleis poynd and distreinzie thairfor. Followes his Majesteis missive for warrand of the twa acts abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. We being no lesse favourablie inclynned towards our

Acta July 1629-December 1630. Fol. 248, b.

Fol. 249, a.

Acta July 1629-December 1630. Fol. 249, a. burgh of Edinburgh and suche others our burghes as will joyne with thame tuicheing the componing for thair extraordinarie taxatioun than our lait royall father wes and as we upon good consideratiouns have beene heeretofore, our pleasure is that yow compone with suche of thame as ar willing to goe on in that course according to the forme accustomed, if Fol. 249, b. yow thinke the same best for the good of our service, for doing whairof these presents sall be your warrand. So we bid yow fareweill. Frome our Court at Whitehall the 3 of Julij, 1630."

Act anent the throwing of ballast into the river Forth whereby its navigation is likely to be injured.

"Forsameekle as ane propositioun hes beene made unto his Majestie in the behalffe of Johne Boswell of Craigsyde proporting that whereas the river of Forth being the cheefest place for trade within this kingdome is muche spoyled by throwing thairin of ballast of shippes trading heere whairby the same at manie parts is so shallow that if tymelie remedie be not used it will in tyme bring great annoyance to that part of the kingdome and in speciall to suche of the nobilitie and gentrie having commoditeis for sale upon the coasts and sides thairof and to suche others who trade thairin both natives and forrainers. And seing in all parts of Europ and others civill parts where rivers ar whairin trade is used the ballast of shippes is takin away and imployed to some use or cast upon the nixt adjacent shoare by some persons speciallie appointed for that purpose who have some certane allowance for that effect, and seing it is most necessar that the lyke good order sould be observed within the said river of Forth and that the same may be done for keeping thairof cleane without exacting upon anie persons trading there forder than they thameselffes sall know to be fitt and necessarie and what the Lords of Privie Counsell sall thinke meit for the generall good of trade within the said river—thairfoir the said Lords ordains letters to be direct charging Alexander, Erle of Linlithgow, Sir Johne Blacader of Tulliallan, Sir Johne Hamiltoun of Grange, M^r^ Alexander Hamiltoun of Kinglassie, Alexander Bruce of Alva, George Bruce of Carnock, Schaw of Sauchie, Wardlaw of Torrie and John, Lord Wemes of Elcho, to compeir personallie before the saids Lords upon the aucht day of September nixt to underly suche order as sall be tane in this mater under the pane of rebellioun, etc., with certificatioun, etc. Follows his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, we greit yow weill. We being moved upon the enclosed petitioun bearing a motioun for keeping cleane of the river of Forth wer the rather pleased to hearken thairunto in respect the petitioner desireth to proceid no further in that purpose then what sall be thought necessarie by persons knowing how necessarie it is to putt the same in practise or yow sall thinke meit to prescribe. Our pleasure is that yow consider of this petitioun and if yow finde what is thairby demanded fitt to be grantit that yow without the petitioners

further troubling of us authorize him and his partners to proceid thairin for suche tyme and after suche maner and provisiouns as yow sall thinke most expedient for the increasse and good of trade within that river, he having suche fitt allowance for performance thairof as yow in your judgements sall thinke requisite; whiche recommending to your care, we bid yow fareweill. Frome our Court at Whitehall the nynth day of June 1630." Acta July 1629-December 1630. Fol. 249, b

Anent circuit courts.

"The Lords thinkes fit that the holding of circuit courts for this yeere sall be forborne." Fol. 250, a.

The Justice-Depute and certain prisoners in the jail of Dumfries.

"The Lords of Secreit Counsell understanding that thair is sindrie persons within the jayle of Dumfreis upon whome necessar it is that justice be ministrat, thairfoir ordains the Justice Depute to repaire to Dumfreis and to concurre with the Commissioners of the Middle Shyres for holding of courts, and incaise of thair refuisall to hold courts be himselffe; and that a letter be writtin to the Commissioners for that effect."

The Earl of Seaforth and the island of Lewis.

"The Lords of Secreit Counsell nominats the Lords Chanceller, Thesaurar, President, Privie Seale, Roxburgh and Wintoun, the Secretareis, Clerk of Register and Advocat, to conveene and meit with the Erle of Seafort and to confer, deale and treate with him upon the pryce to be givin be his Majestie to him for his right of the Lewes."

Holyrood House, 9th August 1630.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 100, b.

Complaint by Andrew Sinclair and Alexander Hay, musicians of his Majesty's Chapel Royal, against Edward Kellie, who refuses to pay the complainers their share of 6000 merks which he had received to be distributed among the musicians of the said Chapel.

Complaint by Andrew Sinclare and Alexander Hay, two of the musicians of his Majesty's Chapel Royal, as follows:—Edward Kellie, one of the musicians of the said chapel, received from his Majesty's Receivers, by royal warrant, the sum of 6000 merks to be distributed among the musicians of the said chapel according to their service. The complainers, "finding no upright meaning in the said Edward," by their Lordships' direction caused charge him to compear before the Council to be ordained to pay to the complainers their proportion of the said sum, but as soon as he received the charge he departed to England. On his return recently the complainers dealt with him both personally and by means of the Bishop of Dumblane, Dean of the Chapel, to pay to each of them 500 merks as their respective shares of the sum foresaid, seeing it is appointed by the said Bishop to be divided among twelve of their number, but he refuses to do so unless he be compelled. Pursuers and defenders compearing and being heard, the Lords ordain the said Edward Kellie to make payment to the pursuers in terms of the direction of the Bishop of Dumblane, which is to be set down in writing. Fol. 101, a.

Supplication by Sir Michael Preston of Fentonbarns and Dame Marion Hay,

Supplication by Sir Michael Preston of Fentonbarns, knight, and Dame Marion Hay, his wife, as follows:—The Lords, by their Act and decreet of 28th March 1628, ordained the said Sir Michael to depart from the country and not return for the space of three years, and

Decreta, January 1630-February 1631. Fol. 101, a.

appointed during that period an aliment of seven chalders of victual to be paid to the said Dame Marion for herself and children, which might be continued during their Lordships' pleasure, and was to be secured by assignation to her of the rents of Fentonbarns by her husband. As "they cannot yitt agree to cohabite and remaine in houshold togidder," an agreement was made through the mediation of friends at Edinburgh on 28th July last whereby it was arranged that they shall remain separate for three years, and for the sustenance of his said wife and their children, the said Sir Michael, with consent of Sir Robert Hepburne, donator of his escheat, has disponed to her annually six chalders of victual and three dozen fowls, upliftable from the said lands of Fentonbarns. They crave the consent and ratification of the Lords to this contract, which their Lordships grant, ordaining the same to stand effectual during the years above mentioned.

his wife, that the Council will ratify an agreement into which the supplicants have entered.

Commissions, 1624-30. Fol. 228, b.

Commission under the Signet to the Sheriff of Aberdein and his deputes, and the provost and bailies of Aberdein, or any three of them, the provost or one of the bailies being always present, as justices, to hold courts and try Marion Hardie, a vagabond, born in the town of Elgine, who was lately apprehended in the town of Aberdein as a suspected witch, and being examined before the Bishop of Aberdein and the provost and bailies of that burgh, confessed several points of witchcraft. Signed by Geo. Cancell., Mortoun, Monteith, Hadintoun, Murrey, and Wintoun.

Holyrood House, 9th August 1630. Commission to the Sheriff of Aberdeen, his deputes and others, to try Marion Hardie, a vagabond and accused of witchcraft.

Similar commission, signed as above, to Sir William Cuninghame of Caprintoun, James Chalmers of Gatgirth, and John Stewart, provost of Air, for the trial of Janet Wallace in Uchiltrie for witchcraft.

Similar commission.

Fol. 229, a.

Another commission, signed as above, to Andrew Monro of Delnes and the provost and bailies of Tayne for the trial of Siacke Nine Dod Moir in Little Allane, and Janet Moir, daughter to the deceased Katherine Nemferstoun, in the presbytery of Tayne, for witchcraft.

Similar commission.

Another commission, signed as above, to Alexander McKenzie of Culcowie and the bailies of Channonrie, for the trial of Janet McGillichoan in Channonrie for witchcraft.

Similar commission.

Commission under the Signet to William, Viscount of Drumlanrig, James Johnestoun of that Ilk, Sir Robert Greir of Lag, and Robert Crichtoun of Ryhill, jointly and severally, to search for, apprehend, and ward within the tolbooth of Edinburgh, Robert Johnestoun, eldest and unnatural son of Christian Johnestoun, goodwife of Newtoun Johnestoun, who, being summoned before the Council by his mother for breaking up her doors and "kists" and taking forth thereof certain documents and sums of money, absconded and was put to the horn. His mother has taken out letters of caption against him, but these have proved fruitless through the neglect of the officers of the law. Signed by the same Lords, with the addition of Mar.

Commission to William, Viscount of Drumlanrig, and others to apprehend and try Robert Johnstone, who is accused of robbing his mother.

Holyrood House, 9th August 1630. Anent the salt-ship.

"The Lordis continewis the mater anent the salt ship till the eight of September and ordanis all pairtyis to be present that day and the Admirall to produce the proces wherof intimatioun wes maid to M^r James Robertoun who wes personalie present." Sederunts, November 1629-January 1635. Fol. 31, b.

Nomination of sheriffs.

"The Lordis nominatis Graycrooke to be shireff principall of Edinburgh, Andro Ker of Yair to be shireff of Peblis, the Laird of Ricartoun to be shireff of Lynlythqu, the Laird of Luss to be shireff of Dumbartane for the yeir to come."

Holyrood House, 10th August 1630.

Sederunt—Chancellor; Treasurer; President; Privy Seal; Mar; Wintoun; Roxburgh; Bugcleuche; Seafort; Annandaill; Bishop of Dumblane; Lord Gordoun; Lord Lorne; Lord Areskine; Lord Carnegie; Lord Naper; Lord Tracquair; Sir Archibald Achesone; Clerk of Register; Justice Clerk; Sir Johne Scot. Acta July 1629-December 1630. Fol. 250, a.

Act fixing the prices to be paid by the Earl of Moray for provisions furnished to him by the lieges during the expedition for the apprehension of James Grant in Daltaleis and others.

"Forsameekle as James, Erle of Murrey, is authorized with ample commissioun for persute of James Grant in Daltaleis and his rebellious complices, and whereas it is verie necessar and requisite that in this service and expeditioun aganis the saids rebellis the said Erle sould be furnished with vivers in the bounds where he passes at ane reasounable rate and pryce, thairfoir, and to the intent the said Erle be not extortiouned nor the lieges oppressed, the Lords of Secreit Counsell hes modified and sett doun, and be the tennour heirof modifeis and setts doun the rate and pryces of the vivers underwrittin whiche they ordaine the said Erle and his followers to pay and his Majesteis subjects to receave in maner aftermentiouned, viz., for ane kow, ten punds; for ane sheepe, tua merkis; for the stane of butter, fiftie shillings; for the stane of cheise, twentie shillings; for the boll of meale, sax punds; and for the peece of the foules, three shillings: Commanding heirby all and sindrie his Majesteis subjects in whois bounds it sall happin the said Erle and his forces to repaire to readilie furnishe, provyde, and answere thame of vivers at the pryces abonewrittin: provyding alwayes that the said Erle use that discretioun in making his provisioun that he uplift not the same all frome one man bot that he burdein all proportionablie and according as they may spare, and that in suche reasounable quantitie as may serve for thair interteanement during thair stay or passage through that countrie where the vivers ar uplifted, and that he sall make present and thankefull payment for what he sall so take according to the rule and pryce abone prescryved."

Commission to the Earl of Linlithgow and Lord Erskine anent the moss. See Vol. III., (Second Series), pp. 37, 568.

"The Lords of Secreit Counsell nominats and appoints and thairwithall gives warrand and commissioun to Alexander, Erle of Linlithgow, and Johne, Lord Areskine, to repaire to the lands and bounds laitlie overflowed with water and mosse and speciallie to the lands of the Powes and to consider and give order where and in what places draughts sall be cassin, levellis and passages made, and what ellis is fitting to be done for Fol. 250, b.

Acts July 1629-December 1630. Fol. 250, b.

securing the nighbouring lands frome inundatioun and skaith, and ordains the worke to be undertakin and followed out upon the charges of the moneyes alreadie collected towards this purpose."

Commission to Mr. John Rollock and Robert Rollock to collect the money contributed for the relief of the sufferers by the overflowing of the moss.

"Forsameekle as the Lords of Secreit Counsell having heard and considderit the petitioun givin in unto thame be the persons heretours whois lands wes overflowed with mosse, desyring that the moneyes collected towards thair releeffe might be imbrought and made compt of conforme to the first order prescryved thereanent; and the saids Lords understanding the good affectioun of M^r^ Johne Rollock, commissar of Dumblane, and Robert Rollock, servitour to the Erle of Mar, and that they will bestow thair paines and travellis in the ingaddering and receaving of the saids moneyes frome the persons that ar or sall be appointed for collecting of the same, lykeas they have acted thameselffes to make the saids moneyes furthcummand and to exhibite and delyver the same to his Majesteis Counsell to be distribute and disposed of amongs the parteis interessed as the Counsell after consideratioun sall give order and appoint; Thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power, warrand and commissioun to the saids M^r^ Johne Rollock and Robert Rollock or anie of thame to receave all and sindrie sowmes of money contributed and givin towards the purpose aforesaid frome the persons particularlie nominat and appointed be the Counsell for collecting of the same, and to give acquittances and discharges upon the recept of the saids sowmes or anie part thairof, whiche sall be valide and effectuall to the persons receavers of the same. Commanding heirby the saids collectours and everie ane of thame to make payment and delyverance to the commissioners abonenominat or either of thame of the whole sowmes of money collected be thame; and for the better tryell and cleering of the truthe of this mater to exhibite and delyver thair bookes to the saids commissioners and to make faith that the sowmes thairin conteanit ar trew and that thair is no part concealed nor omitted furth of the same; and ordains letters to be direct heerupon if neid beis in forme as effeirs."

Sir Robert Gordon accepts the sheriffship of Inverness.

"The whilk day Sir Robert Gordoun accepted upon him the shirefship of Innernes and gave his oath for faithfull administratioun thairof."

Continuance of protection to Sir George Home of Manderston.

"The Lords of Secreit Counsell prorogats and continewes the warrand grantit to Sir George Home of Manderstoun for persewing of certane persons alledgit to have wronged him by witchecraft untill the first day of November nixt, discharging in the meanetyme all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis within burgh and all others his Majesteis judges, officiars and magistrats to burgh and land and als all messingers of armes of all taking, apprehending, warding or arreisting of the said Sir George be vertew of anie civill hornings or captiouns direct thairupon, discharging thaim thairof and of thair offices in that pairt during the space foresaid."

Fol. 251, a.

Holyrood House, 10th August 1630.

[Sederunt as recorded above.]

Supplication by Margaret Guthrie, who is "not past ten years of age," that she be not imprisoned for the debts of her deceased father.

Supplication by Margaret Guthrie, daughter to the deceased Hercules Guthrie, merchant burgess of Edinburgh, as follows:—Her said father died, "leaving nothing behind him bot ane great burdein of debts." Her uncle, Harie Guthrie, having become her tutor at law, he, without consulting her friends, served her heir to her father and has thus brought her under the danger of his whole debts. His creditors have now obtained several decrees against the supplicant, "who is bot ane young pupill, not past ten yeers of age," and have not only apprised her father's movables, but have raised captions against her personally, so that she is like to be put in prison, "to her utter wracke and undoing, and to the disappointing and frustrating her of the benefite of vertuous educatioun in literature and others vertuous exercises quhilks are the onelie hopes left unto her whairupon to build her fortuns; and if she wer come to the age of twelffe yeeres whairthrow she might choose curatours, she would revoke the service foresaid and renunce all benefite she can clame to her said father as air to him." She accordingly craves their Lordships' protection. The Lords "finding it ane hard mater that pupills who ar altogidder ignorant of thair parents debts sall be troubled by captiouns," etc., supersede all such processes against her person only for her father's debts till she reach the age of twelve years.

Complaint by Robert Douglas of Blackerstone against John Stewart of Coldingham, whom he accuses of violently carrying off his victual.

Complaint by Robert Dowglas of Blaikester, as follows:—John Stewart of Coldinghame, for relief of certain cautionries in which he engaged for him, disponed to him the lands of Coldinghame, and he and the deceased William Dowglas of Blaikerstoun, his father-in-law, donator to the escheat of the said John Stewart, have been in possession of these lands and the rents thereof for the past ten years without challenge or interruption, until last year, when the said John Stewart, unmindful of his duty and of the great trouble and distress which the complainer sustains on his account, came accompanied with a number of rebels to the lands and barnyard of Coldinghame and violently carried off 30 chalders of victual. He intends also to do the same this year and so ruin the complainer unless the Lords protect him from such disorderly courses. Pursuer and defender both compearing and being heard, the Lords, "understanding the present necessitie of the said Johne Stewart and that he hes nothing whairwith to interteane himselffe and his familie this present yeere," the pursuer being in possession of his whole estate, with consent of the pursuer allow the said John Stewart to collect and lead the teinds of Stitchell this present year only, and discharge him of all medling with the teinds of Coldinghame or molesting the pursuer in his peaceable possession thereof under the penalty of being accounted and dealt with as a disturber of the peace.

Supplication by James Neilson,

Supplication by James Neilsone, merchant burgess of Dumfries, as follows:—Their Lordships granted a commission to the Lairds of Lag

Decreta, January 1630-February 1631. Fol. 102, b.

and Amisfeild for the trial of the supplicant upon some criminal information lodged against him by John Maxwell of Logane, Steward-depute of Kirkcudbright, viz. the alleged marking of a sheep belonging to James Corsebie at the Bridgend of Dumfreis. The supplicant is quite willing to undergo his trial before any indifferent judge, as he is not conscious of his guilt of any such crime, but seeing that Susanna Gordoun, spouse to the said John Maxwell, "is cousennesse germane to the said Laird of Amisfeild and so stands within degrees dependant to him, and the said Laird hes kythed him selffe verie partiall in this mater aganis the said supplicant in so farre as not onelie did he subscryve ane testificat aganis him, bot also caused his sones and servants assist the said Johne Maxwell at the bar aganis him," the supplicant has just cause to suspect the said Laird of Amisfeild, who should not sit as his judge in this matter. He therefore craves that the Lords would appoint the Viscount of Drumlanrig, the Lord Dalyell, James Gordoun of Buthill, and Robert McBrair of Almigill, or any one of them, in place of the said Laird of Amisfeild. The Lords, "considdering that the cryme whairupon the said supplicant is to be persewed is treasonable, seing he is ane landit man, and that be the lawes of the kingdome thift in a landit man is treasoun," appoint that the supplicant's trial for the foresaid crime shall take place before his Majesty's Justice and his deputes within the Tolbooth of Edinburgh, where all parties interested "may assure thameselffes of indifferent and equall justice;" and they ordain the supplicant to find caution in 500 merks in the Books of Adjournal to compear there for his trial on fifteen days warning. This caution being found the Lords discharge the former judges and commissioners appointed for this matter from all further procedure therein.

merchant burgess of Dumfries, that at his forthcoming trial John Maxwell, Steward Depute of Kirkcudbright, may not be one of his judges.

Fol. 103, a.

Complaint by Thomas Lamb, messenger, as follows:—On 19th July last, in obedience to a charge given him at the instance of Sir James Balfoure, Lyon King of Arms, he appeared before the said Lyon and exhibited his "booke of injunctiouns and his admissioun, togidder with his blasoun, as alsua ane band whairin Sir Robert Fairlie of Braid become cautioner for the said compleaner for faithfull discharge of his office, and desyred ane sight of the new injunctiouns gevin to the messingers to be advised thairwith." He expected to have received back his blazon, but the Lord Lyon and his Clerk of Court refused it until the complainer paid ten merks of entry, and gave bond for a yearly annuity of £6, which he was never in use to pay. Charge having been given to the said Lord Lyon and George Watson, his clerk, to compear in the premises, with certification that if they failed it should be lawful to the complainer "to use his office in tyme comming *ad culpam vel ad vitam*, and both pursuer and defenders compearing, the said Sir James for instructing his right to the said annuity produced a number of bonds granted by messengers to his predecessors for payment of the said annuity. The Lords having examined these and the book of injunctions

Complaint by Thomas Lamb, messenger, against the Lyon King-of-Arms, whom he accuses of withholding his blazon.

Fol. 103, b.

produced by the Clerk, and having heard parties, find "that the annuitie foresaid hes beene ane customable dewtie ordinarilie payed be messingers to the said Lyoun Herald his predecessours; lykeas the saids Lords allowes of the haill injunctions sett doun in the booke foresaid produced be the said Clerk except that article thairof tuicheing the saids messingers thair yeerelie compeirance upon the saxt day of May and saxt of November, quhilk the saids Lords ordains to be upon ane lawfull citatioun and not otherwayes, and siclyke excepting the last article anent the saids messingers thair delyverie to the said Lyoun of thair bookes of executiouns after the same ar filled, quhilk the Lords ordains to be rectified and the saids messingers onelie to be lyable to send in to the said Lyoun ane booke of the minuts of thair executiouns and not the executiouns thameselffes." They accordingly ordain the pursuer to give bond to the Lyon for payment of the said annuity and observing of the injunctions in manner above prescribed, and this being done they ordain the Lyon "to delyver to the said persewer his blasoun to the effect he may thairby exerce his office and serve his Majesteis lieges thairwith." Decreta January 1630-February 1631 Fol. 103 b.

Supplication by the Bailies and Council of Anstruther that in order to repair the bridge of the said burgh they may be authorised to exact dues from every horse and foot passenger.

Supplication by the bailies and Council of Anstruther for themselves and the inhabitants as follows:—The bridge of their burgh is now "so ruinous and decayed that in tyme of storme or spait there is no saulfe passage at the said bridge, and if it be not helped and repaired before this approaching winter the same will totallie decay and fall doun to the great hinder of passingers travelling that way, there being no other saulfe passage within twa myles of the toun; and in respect of the great charges the supplicants have beene at in the reparatioun of thair harberie, ar not able to repaire thair decayed bridge; and forder thair losses be sea hes beene so manie and ar so notour that the best people of thair toun, who boore the most part of the commoun burdenis of the same, ar now wracked and undone." They crave an Act of Council authorising them to uplift certain duties from all horse and foot passengers by the said bridge, as well as a recommendation of the said work to the country. The Lords, finding the great necessity for the repair of the said bridge, recommend the same "to the benevolence and voluntarie contributioun of the inhabitants to burgh and land within the shirefdome of Fyfe, requeisting thame and everie ane of thame to showe suche proportioun of thair benevolence towards the reparatioun of the said bridge as they in thair discretioun sall thinke fitting, and to delyver the same to anie one of the bailleis of Anstruther" for the said work, this recommendation to stand in force till Whitsunday next. The Lords also authorise the said bailies of Anstruther and the collectors to be appointed by them, and for whom they will answer, for two years after the date hereof to uplift the following tolls at the said bridge or ford thereof—viz., from every foot passenger, 1d.; every horseman, 2d.; every horse load of any commodity, 4d.; and every laden cart, 8d.; the proceeds to be employed "upon the reparatioun, beitting, mending, and uphalding of the said bridge." Fol. 104 a.

Commissions, 1624-30. Fol. 229, a.

Commission under the Signet to the Earl of Murrey to search for and apprehend James Grant in Daltaleis who on 30th January, 1618, was put to the horn at the instance of the King's Advocate, and of Thomas Grant of Cardellis, as father, John Grant, apparent of Cardellis, as brother, and the remanent kin and friends of the deceased Patrick Grant in Lettache, for not finding caution to underlie the law before the Justice for the slaughter of the said Patrick; also Finlay M^cGruman in Fetterletter, Robert M^cWilliam M^cGruman in Belledine, James M^cGruman, his brother there, William M^cWilliam M^cGruman there, James Grant in Inneroure, John Gordoun, younger, there, John Beg Baine there, Allane Boyne M^cFinlay in Innerloche, John M^cWilliame V^cEane there, Robert M^cWilliam V^cEane, his brother there, John Riache M^cInraour in Cleuchrie, Alaster Dow M^cInraour in Glenconiglas, William Stewart in Tomnachlagane, John M^cAlaster V^cJeane Riache, younger, in Auchlechine, William M^cJames M^cGibboun in Kirkmichaell, Ferquhar M^cJeane Riache in Ballintrowane, John M^cLauchlane in Innerchibbet, Patrick Gordoun and M^cAgie in Inneroure, John Dow M^cGibbonache in Creuchlie, John Cuming there, John Dow M^cInraour in Drumachuriche, Robert Grant in Glen, and Patrick Grant, son to Alaster Grant in Lenochorne and servant to the deceased John Grant of Carroun, who on 30th September, 1628, were put to the horn at the instance of Janet Grant as mother, Patrick and Archibald Grant as brothers, and Patrick Grant of Straliauche as uncle to the deceased Thomas Grant of Dalvey, for thair not compearing before the said James, Earl of Murrey, lieutenant and justice in the north parts of the kingdome, to answer for the slaughter of the said Thomas Grant and of Lauchlan M^cIntoshe, son to the deceased Thomas M^cIntoshe in Roakmore. These men assisted by Alaster Grant and other broken men, armed with unlawful weapons go sorning and oppressing throughout the country. Power is given to use fire and all warlike force, and immunity promised for any accidents in this service. Signed by Geo. Cancell., Mortoun, Monteith, Hadintoun, Mar, Roxburgh, and Naper.

Holyrood House, 10th August 1630.

Commission to the Earl of Moray to apprehend James Grant in Daltaleis and others.

Fol. 229, b.

Fol. 230, a.

Commission under the Signet to the Sheriff of Forfar and his deputes, jointly and severally, as justices to hold courts and try John Hogstoun in Fernell, who on slew Andrew Johnestoun there, and being taken "with the bloodie hand" by David, Lord Carnegie, is presently in his custody. Command is given to the said Lord Carnegie to deliver his prisoner to the commissioners. Signed by Geo. Cancell., Mortoun, Monteith, Mar, Wintoun, Annandaill, and Hamiltoun.

Commission to the Sheriff of Forfar and his deputes to try John Hogstone in Fernell, who is accused of slaying Andrew Johnston.

Sederunts, November 1629-January 1636. Fol. 32, a.

"Ane missive frome his Majestie for agreeing with the Burrowis anent thair extraordinair taxatioun and M^r Johne Hay for the toun of Edinburgh, Paull Menyeis and M^r Alexander Jaffra for Abirdene, compeirand personalie, maid offer of the lyke sowme for thair extraordinair taxatioun as thay payed in the formair whilk wes accepted be the Counsell and actis ordanit to be exped thairupoun."

Holyrood House, 10th August 1630.

Anent the composition for the taxation of Aberdeen and Edinburgh.

Commission to the Marquis of Hamilton and others to convene with English Commissioners anent the fishing.

"A commissioun to the Marques of Hamiltoun, the President, the Earle of Roxburgh, the Lord Tracquair, the principall Secretair, or any thrie of thame, with suche of the Counsell, as salbe at Courte for the tyme, and to Mr James Robertoun for the gentrie, and Mr Johne Hay for the Burrowis, to conveene and meete with suche personis in England as his Majestie sall nominat anent the fisheing; and ordanis Tracquair, Mr James Robertoun and Mr Johne Hay to advise amangis thameselffis toucheing the pointis of thair commissioun quhairin they crave to be warrandit. Allowis to Tracquair vjm merkis, to Mr James Robertoun iijm merkis." Sederunts, November 1629-January 1635. Fol. 32, a.

Holyrood House, 11th August 1630. Supplication by Captain David Alexander anent the ship "Lewda" which he maintains to be his lawful prize. His supplication is that the salt with which the said ship is laden may be sold, pending the settlement of the dispute.

"Anent the supplication presented to the Lords of Secreit Counsell be Captane David Alexander makand mentioun that where the saids Lords hes continewed the discussing of the actioun intented and depending at his instance before the Lord Admirall and his deputs aganis Simeon Hedinx for declaring of the shippe called the Lewda to be lawfull pryze, and in consideratioun that now is the tyme of the fishing and salt will give ane higher pryce nor heerafter sua that the omissioun of the occasioun of selling of the salt whairwith the said shippe wes loadnc1 will be to the great prejudice of either partie who sall be found to have right thairto, thairfoir humbelie beseekand the saids Lords to give warrand to ane neutrall man whome they sould please nominat for selling of the said salt to the best availl and the moneyes thairof to be keeped in his hand to be furthcummand to the partie sall be found to have best right thairto, as said is, as at mair lenth is conteanit in the said supplicatioun. Quhilk being read and considderit be the saids Lords and they being carefull that the salt be tymeouslie sauld and imployed to the best use, and considdering that David McKall, thesaurar of the burgh of Edinburgh is the fittest person to be intrusted with that charge and imployment, thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full warrand, power and commissioun to the said David McKall to dispone and sell the salt being or that wes within the said ship to the best availl, and the pryces to be receaved thairfoir to reteyne in his hand to be furthcummand to all parteis interest as accords of the law." Acta July 1629-December 1630. Fol. 251, a.

Holyrood House, 11th August 1630.

Sederunt—Treasurer; Mar; Wintoun; Roxburgh; Annerdaill; Areskine, Naper. Decreta, January 1630-February 1631. Fol. 104, a.

Supplication by William, Earl Marischal, and others that James Keith, who is at present in the Tolbooth of Edinburgh, as their debtor, may not be

Supplication by William, Earl Mairshell, Lord Keith and Altrie, George Lammie of Dunkennie, Mr. David Foullertoun, one of the Receivers of His Majesty's Rents, James Scot, burgess of Monrose, John Hay of Ardlethen, burgess of Aberdein, Mr. William Paip, servitor to the Marquis of Huntlie, Mr. Paip, son and heir to the deceased Mr. Robert Paip, advocate, in Aberdein, procreated between him and his spouse, Robert Keith, provost of Monrose, Robert Keith, burgess of Fol. 104, b.

Decreta, January 1630-February 1631. Fol. 104, b.

Edinburgh, Beattie, children of the deceased Beattie, burgess of Monrose, David Keith of Balhaggartie, and William Dalgarno in Little Creichie, as follows: —William, Earl Mairshell, apprehended James Keith, in terms of a commission by their Lordships, for breaking out of his ward in the house of Dunnotter, wounding his keepers to the peril of their lives and other crimes, and has presented him to the provost and bailies of Edinburgh who have incarcerated him within their tolbooth. The supplicants, his creditors, have arrested and are to arrest him there for debts exceeding £20,000 in amount, but they are informed that the said James Keith has by some means or other purchased a "letter of protectioun or supersedere" for his whole debts, as well as his other crimes, which his Majesty had never granted had he known the real state of affairs. The said James intends to present this letter to their Lordships for ratification, or abruptly by virtue of some command contained therein to cause the great seal be appended thereto, and so obtain his freedom, contrary to the laws and Acts of Parliament of this kingdome against granting of protections in such cases. They therefore crave that their Lordships will refuse to grant such a protection if it be presented to them; that they will order Sir John Scot, Director of Chancery, and Mr. David Sibbald, Keeper of the Great Seal, not to expede any such protection, and that they will discharge the provost and bailies of Edinburgh from liberating the said James Keith by virtue of any such protection. The Lords find the prayer of the petition just and reasonable and prohibit as craved the Director of Chancery, the Lord Chancellor, as principal keeper, and Mr. David Sibbald, as keeper depute of the Great Seal, from expeding or sealing such a protection, and the provost and bailies of Edinburgh from liberating the said James Keith on any such document, as they will answer at their peril.

released from ward nor receive protection.

Fol. 105, a.

Acta July 1629-December 1630. Fol. 251, a.

Sederunt—Chancellor; Treasurer; President; Lord Areskine; Tracquair; Sir William Alexander; Sir Archibald Achesone; Sir Thomas Hope.

Holyrood House, 14th August 1630.

"Forsameekle as it is understand to the Lords of Privie Counsell that laitlie upon the tent day of August instant Johne Gibsone in Crawfurdtoun unhappilie slew James Tennent in Crofthill and wes thereafter tane with the bloodie hand, and is now in the custodie and keeping of the baillie of Carnwath; and whereas it is requisite for the more cleere discoverie of the circumstances of this slaughter that the said Johne Gibsone his tryell sall be before his Majesteis Justice and his deputs in the tolbuith of Edinburgh, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said baillie of Carnwath to delyver the said Johne Gibsone to the Shireff of Lanerk or his deputs within twentie foure houres nixt after he be chargit thairto under the pane of rebellioun, etc., as alsua charging the said shireff and his deputs to receave the said

Order for the transference from Carnwath to Edinburgh of John Gibson in Crawfurdtown, who is accused of the slaughter of James Tennent in Crofthill.

Fol. 251, b.

Johne fra the said baillie, and to bring, present and enter him to waird within the tolbuith of Edinburgh within three dayes nixt thereafter under the pane of rebellioun, etc. And siclyke charging the provest and bailleis of Edinburgh to receave the said Johne Gibsone frome the said shireff or his deputs or suche as sall have the charge of his convoy, and to committ him to waird within thair tolbuith, thairin to remaine upon his awin expenses untill justice be ministrat upon him for the slaughter foresaid as accords, within ane houre nixt after the said Johne salbe presented to the saids provest and bailleis, under the pane of rebellioun and putting of thame to the horne; and if the saids persons failyie, the tymes respective foresaids being bypast, to denunce and to escheate etc." Acta July 1629-December 1630. Fol. 251, b.

Holyrood House, 14th August 1630. Letter to his Majesty anent the invasion of British waters by foreign fishermen.

"Most sacred Soverane, The instructiouns sent doun be your Majestie to your Secretar concerning the mater of the fishing being according to the directioun of your Majesteis letter imparted to the Conventioun of the Estaits and they having takin to thair consideratioun how muche it doeth import your Majesteis honnour and the good and benefite of your whole dominiouns that these fishings quhilks ar now usurped be strangers be improved and followed out by your awin subjects it wes thairfoir thought fitt for the better furtherance of that great and good worke that ane commissioun sould be grantit to some noblemen, counsellours and others to meit and treate with suche commissioners there as sall be delegate by your Majestie for that purpose, who being now upon thair addresse to your royall court we have presoomed to recommend thame to your Majesteis gracious acceptance and favourable hearing, by whome your Majestie will be acquainted with the particulars that occurred in handling of that bussines at the Conventioun; to whois relatioun remitting the same and resting assured of your Majesteis tender care of quhat may concerne the liberteis and good of this your native and ancient kingdome, we rest, etc. Halyruidhous 14 Augusti 1630. *Subscribitur*, Dupline, Morton, Marr, Monteith, Wintoun, Linlithgow, Areskine, Air, Arc. Achesoun, S. J. Hamiltoun, S^r^ Thomas Hope, S^r^ Johne Scot, S^r^ James Baillie." Royal Letters 1623-32. Fol. 185, a.

Holyrood House, 8th September 1630.

Sederunt—Mortoun, Treasurer; Wintoun; Wigtoun; Lauderdaill; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Acta July 1629-December 1630. Fol. 251, b.

Charge to all Irish beggars to quit the kingdom within fifteen days after the publication of the said charge, and to all the lieges not to reset the said beggars.

"Forsameekle as the Lords of Secreit Counsell ar informed that there is great nombers of strong and sturdie Yrish beggers come frome Ireland towards this kingdome and they goe in troupes throw the countrie, and not contenting thameselffes with the benevolence and charitie of the people, whilk is freelie offered unto thame, they extort almous, and where they can perceave they can be maisters they committ sindrie insolenceis, and oft tymes persewes be way of deid sindrie of his Majesteis good

Acta July 1629-December 1630. Fol. 251, b. subjects who ar not able to withstand thame, and by thair scafferie and oppressioun the native poore of the countrie are prejudged, and the saids Yrish beggers ar become ane heavie and unsupportable burdein to the kingdome; thairfoir the Lords of Secreit Counsell ordains letters to be direct to command and charge all the saids Yrish beggers be opin proclamation at all places neidfull that they and everie ane of thame depart and pas furth of this kingdome within fyftene dayes after the publicatioun heirof at the mercat croces of the shyres where they make thair abode, and that they in no wayes presoome to returne backe to this kingdome under the pane of deid; and siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand after the expyring of the saids fyftene dayes to resset, supplee or interteane the saids Yrish beggers, or to furnishe thame meit, drinke, hous nor harberie upon whatsomever cullour or pretext, under the pane to be callit, persewed and fynned be his Majesteis Counsell and to be otherwayes punished in thair persons: and siclyke to command and charge all magistrats to burgh and land and all landslords
Fol. 252, a. upon whois ground and within whois bounds anie of thir Yrish beggers remaines to take and apprehend thame, and to caus embarke and transport thame furth of this kingdome, as they will answere upon thair obedience at thair perrell."

Order against the circulation of false dollars. "Forsameekle as the Lords of Secreit Counsell ar surelie informed that some avaricious and godlesse persons, preferring thair awin filthie gaine to ane good conscience and to the obedience of the law, hes laitlie brought within this kingdome ane nomber of false dollours and ar verie bussie to gett the same putt out and vented amongs his Majesteis subjects, who for the most part ar ignorant and can not discerne the fynenesse thairof, so as nombers of his Majesteis good subjects ar mischantlie and shamefullie abused and cousenned be thir godlesse and avaricious persons, and they ar made to beleeve that they receave good coyne when nothing is givin to thame but drosse; so that if the course of thir bad dollours be not in tyme prevented the subjects of the kingdome will susteane unreparable losse; and thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and forewarne all and sindrie his Majesteis lieges and subjects be opin proclamation at the mercat croces of the burrowes of Edinburgh, Dundie and haill burrowes upon the coast syde of Fyfe, and others burrowes of this kingdome, that they and everie ane of thame have a speciall care and regarde that they be not abused by receaving of the saids false dollours, and if anie of the saids dollours sall be offered unto thame in change or wisselling or buying or selling or payment of debts that they take notice of the names of these who offers the saids false dollours unto thame and signifie the same unto the Lords of his Majesteis Privie Counsell; and siclyke to command and charge all his Majesteis subjects who hes or sall happin to have anie of thir false dollours in thair hands that they in no wayes presoome nor take upon

hand to vent or putt out the same among his Majesteis subjects bot that they bring the same to his Majesteis Cunziehous to be brokin and destroyed under all highest pane that by the lawes of this kingdome can be inflicted upon persouns offending in so high a caise; and siclyke to command and charge all magistrats to burgh and land to make diligent inquyrie and to informe thameselffes by all the wayes and meanes they can by whome and at what tymes thir false dollours hes beene brought in, and of what quantitie and nomber and where and to whome they have beene disperst and givin out, and to make report thairof to the saids Lords with convenient diligence, to the intent forder order and directioun may be givin heeranent as accords, as the saids magistrats will answere upon thair obedience at thair highest perrell." Acts July 1629-December 1630. Fol. 252, a.

Commission to the Lord High Chancellor to take the oath of Sir William Stewart of Grandtullie on his acceptance of the Sheriffship of Perth—the said Sir William not being able to appear before the Council.

"Forsameekle as choise being made of Sir Williame Stewart of Garnetullie to be shireff principall of the shirefdome of Perth for this present yeere, and he being writtin for to have compeired before his Majesteis Counsell upon the aucht of September instant to have accepted the commissioun upon him and to have givin his oath for administratioun thairof he hes excused his not compeirance by some infirmitie of his persoun, and thairfoir the Lords of Secreit Counsell gives and grants commissioun and warrand be thir presents to George, Vicount of Dupline, Lord high Chanceller of this kingdome, to call the said Sir Williame before him and to take his oath for faithfull administratioun of the said office, and to report to his Majesteis Counsell ane formal note in writ under his hand of the said Sir Williame his acceptatioun of the said office." Fol. 252, b.

Similar commission to John, Earl of Wigtown.

Commission in similar terms to John, Earl of Wigtoun, for taking the oath of Colquhoun of Lus, who has been appointed as Sheriff Principal of Dumbartane for the present year and excused his absence on account of some infirmity of body.

Charge to Mr. George Semple, indweller in Paisley, and formerly a preacher, to appear before the Council to answer to a charge of witchcraft.

"Forsameekle as some informatiouns hes beene made to the Lords of Secreit Counsell that M^r. George Sempill, indweller in Paisley, hes beene ane bissie practizer and consulter in points of witchcraft, whilk hes givin occasioun of a foule and heavie scandall aganis him and aganis the holie ministrie whairof he wee sometyme a preacher, and thairfoir for cleering of his innocencie of that foule cryme necessar it is that he be examined in presence of his Majesteis Counsell upon suche points concerning his saids practises in the mater foresaid as sall be givin in aganis him; thairfoir the saids Lords ordains letters to be direct charging the said M^r George to compeir personallie before the saids Lords upon the day of to answer to the premises and to be examined thairupon as the saids Lords sall direct and appoint, under the pane of rebellioun, etc. with certificatioun, etc."

Charge to the Lord Chief-Justice to try Richard Home for forging a passport.

"Forsameekle as one Richard Home in Edinburgh hes of lait most falselie counterfoote the subscriptioun of Adam Lochthous, Lord High Chanceller of Ireland, and of Richard, Erle of Corke, to a pasport made be the said Richard Home in favours of one Patrik Corscors, Yrishman,

Acts July 1629-December 1630. Fol. 252, b.

and he gave counsell and advice for appending of ane false seale to the said testificat and pasport, quhilk being a cryme of verie bad exemple and meriting dew punishement to the terrour of others to committ the lyke, thairfoir the Lords of Secreit Counsell ordains and commands the Lord Cheefe Justice of this kingdome and his deputs to appoint and sett a Justice Court and to call the said Richard Home, who is now prisonner within the tolbuith of Edinburgh for the same caus, before thame and to putt him to the knowledge of ane assise, and he being found guiltie of the said cryme to pronounce doome aganis him, ordaining him to be scourged throw the toun of Edinburgh, burnt in the hand and banished this kingdome, whereanent thir presents sall be unto his Majesteis Justice and his deputs ane warrand."

Fol. 253, a.

Charge anent Alexander Hay, who has brought false charges against the Court of Session and has failed to appear before the Council when summoned.

"Forsameekle as Alexander Hay in Leith, having importunned his Majestie with diverse his petitions compleaning of wrongs done to him by letters directed frome his Majestie to the Counsell and Sessioun heere, and his Majestie considering how muche it did concerne him in honnour and justice if anie suche caus had beene givin as wes falselie pretendit, and how farre his Majesteis Counsell and Sessioun wer interest in these reports if they had found anie suche mater to be of truthe, his Majestie wes thairfoir pleased to give order to suche of his Counsell as wer with his Majestie for the tyme to call the said Alexander before them and to peruse the extracts of the saids letters by whome it wes found and reported to his Majestie that the said Alexander his complaint proceedit frome a mere calumnie without anie just caus; and thairfoir his Majestie, considering how farre suche seditious persons deserve to be punished, his Majestie wes pleased to give some directiouns thereanent, quhairof the said Alexander getting notice he absented himselffe and thairby added contempt of his Majesteis royall auctoritie to his former faults. Thairfoir the Lords of Secreit Counsell according to his Majesteis directioun ordains letters to be direct charging the said Alexander to compeir personallie before the saids Lords upon the secund day of November nixtocome to answere to the premises and to underly suche order as sall be takin thereanent, under the pane of rebellioun, etc., with certificatioun, etc.; and in the meantyme to command, charge and inhibite the said Alexander that he on no wayes presoome nor take upon hand to repaire to Court upon whatsomever cullour or pretext under the highest pane and punishment that by course of law can be inflicted upon him for his contempt and disobedience of the said charge."

Appointment of a commission to collect the contributions for the sufferers by the slipping of the moss on the lands of Powes and

"Forsameekle as in the moneth of December under silence of night there hes fallin out by the unsearcheable providence of the Almightie God (quhilk by no humane witt nor foresight could be prevented) suche ane fearefull, suddane and unexpected accident, lyke ane thunder clap, upon the lands of Powes and Powmylne perteaning to David Rollock of Powes and Robert Johnestoun of Powmylne, and upon

Powmylne. See *ante*, p. 15, and Vol. III. p. 37, (Second Series).

the lands perteaning to Patrik Bruce of Corsebruik and Thomas Bruce of Wodsyde, that the lyke wes never heard of in anie kingdome or age in so farre as ane great mosse of the thicknesse and largenesse of a speir hes beene drivin by the force and violence of wind and water fra the firme ground and bounds where fra all beginning it unmoveablie stood to the lands of Powes and Powmylne and others lands of the persons foresaids distant thairfra be the space of and hes overflowed and covered the saids whole lands, and hes tane ane solide, firme and sattled stand thairon, hes overturned the whole houses for the most part of the saids lands sua that twentie famileis wer constrained for lyfe and death and with the extreme hazard of thair lyfes to flee and leave thair houses and all within the same to the violence of the mosse. And now the saids lands, whilks wer good arable ground bearing wheate, beare and all other grayne, ar turned into a blacke mosse without all possibilitie or hope of recoverie, and the gentlemen awners of the lands who and thair predecessours wer men of good account, able to serve the King and countrie and charitablie disposed to the releeffe of all distressed people, ar upon a suddane turned beggers, having nothing but the miserable face of a black mosse to looke unto in place of thair pleasant and fertile ground. And whereas this fearefull visitatioun hes proceedit immediatlie frome the hand of God (whois divine chastisements must with ane Christiane resolutioun be embraced and susteanned) it becometh all good Christians who ar feeling members of this bodie to resent the distresses and misereis of thir poore gentlemen and by thair chearefull benevolence to contribute a part of thair meanes, whairwith it hes pleased God to blesse thame, toward thair releeffe. For the whilk purpose the Lords of Secreit Counsell hes recommendit and be the tennour heirof recommends the saids distrest gentlemen to the favourable, charitable, and christiane consideratioun of the whole Estaits both spirituall and temporall within this kingdome, and to the whole persouns of whatsomever ranks, qualitie or degree within the same, requeisting and desiring thame and everie ane of thame to extend suche proportioun of thair liberalitie and charitie to the saids gentlemen as the importance and necessitie of the caus requires; and the saids Lords hes committed and be the tennour heirof committs the collectioun of this contributioun and benevolence of the people to the persons particularlie underwrittin, M^r^ Robert Baron, minister at Aberdein, M^r^ Alexander Jaffrey, baillie, Thomas Nicolsone, baillie, and Alexander Forbes, for the shirefdome of Aberdein, and Duncane Forbes and M^r^ James Campbell of Moynes for the shirefdome of Innernes, and Patrik Smith of the Holl and Smith, his brother, for the shirefdome of Orkney and Zetland, and Archibald Campbell, sonne to Alexander Campbell of Ardchattan, and Johne Stirline, sone to Williame Stirline of Achyle, for the shirefdome of Argyle and Tarbet, who ar all men of approvin credite, honestie and reputatioun, and will deale faithfullie and uprightlie in this bussines and conceale nothing that will

Acta July 1629-December 1630. Fol. 253, a.

Fol. 253, b.

Acta July 1629-December 1630. Fol. 253, b. be givin be the people to this so good and necessar a worke; givand, grantand and committand unto thame and everie ane of thame full power, warrand and commissioun to deale and travell with the whole archbishops and bishops, noblemen, barouns and gentlemen, synods, presbytereis and sessiouns of kirks, burrowes, touns, villages, and with all others his Majesteis subjects als weill to burgh as land anent thair benevolence and charitable christiane contributioun to be givin out of thair good discretioun for the helpe and supplee of the saids gentlemen. Quhilks commissioners sall have ane booke delyvered unto thame be the Clerk of his Majesteis Counsell, whairof everie leaf sall be marked be the said Clerk, within the whilk booke the saids Lords requeists all and everie persoun who sall contribute to this worke to insert or caus be insert the sowmes of money that they sall contribute and advance in this ear[and]; and if anie persoun or persons be sleuth or negligence sall Fol. 254, a. refuse or forgett to insert thair contributioun, ordains and commands the saids commissioners to insert the saids contributiouns thameselffes, and that they report thair diligence in the premises with thair booke conteaning the names of the whole persons contributers and the sowmes of money contributed and collected be thame to the saids Lords upon the first Counsell day of Februarie nixtocome, to the intent the saids Lords may know what sowmes of money ar collected and how the same sall be imployed; and the saids commissioners sall give thair great and solemne oath at the reporting of thair diligence and booke foresaid that they have not omitted nor left out of the saids bookes none of the persons names that contributed nor the sowmes nor na part thairof that sall be advanced in this earand; requeisting alsua the saids archbishops and bishops to give directioun to the ministers within thair dioceis that they admonishe and stirre up thair flockes and parochiners to putt to thair helping hand in this so important and necessar a caus."

Acceptance of sheriffships. "The whilk day in presence of the Lords of Secreit Counsell compeired personallie M^r. Williame Adamesone of Graycrooke and accepted upon him the office of shirefship for the shirefdome of Edinburgh. As alsua compeired personallie Johne Auchinmowtie of Gosford and accepted upon him the shireffship of the shirefdome of Hadintoun. And siclyke compeired Sir Johne Home of Blacader and accepted upon him the office of shirefship of the shirefdome of Berwick. And siclyke compeired Drummond of Rickartoun, and accepted upon him the office of shirefship of the shirefdome of Linlithgow. As alsua compeired Ker, appearand of Yair, and accepted upon him the office of shirefship of the shirefdome of Selkirk. And siclyke compeired Sir Johne Charters of Amisfeild and accepted upon him the office of shirefship of the shirefdome of Dumfreis. And siclyke compeired Fothringhame of Powrie and accepted upon him the office of shirefship of the shirefdome of Forfar. And siclyke compeired Sir James Maxwell of Calderwod and accepted upon him the office of shirefship of the shirefdome of Lanerk.

And siclyke compeired Sir George Johnestoun of that Ilke, knight baronnet, and accepted upon him the office of shirefship of the shirefdome of Aberdein. And all the saids persouns gave thair oath for faithfull administratioun of the saids offices." Acta July 1629-December 1630. Fol. 254, a.

The salt ship.

"The Lords of Secreit Counsell continewes the advisement of the processe anent the salt ship till the secund of November nixt."

Patent granted to Mr. James Galloway, Master of Requests, and Mr. Nathaniel Udward for a new process of manufacturing salt, on condition that the said process, on trial, proves successful.

"The whilk day M^r^ Nathaniel Udward produced and exhibite to the Lords of Secreit Counsell the missive letter underwrittin signed be the King's Majestie and directed unto the saids Lords tuicheing the expeiding of a patent to M^r^ James Galloway, Maister of Requeists in the kingdome of Scotland, and to the said M^r^ Nathaniel Udward, thair airs, assigneyes, pairtners and deputeis of the sole and full power, libertie and licence of making of salt after a new found out mysterie and inventioun not heeretofore knowin within this kingdome. As alsua the said M^r^ Nathaniel produced and exhibite before the saids Lords the covenant and Fol. 254, b. contract underwrittin past betuixt his sacred Majestie, on the ane part, and the saids M^r^ James Galloway and M^r^ Nathaniel Udward, on the other part, tuicheing the making of the said salt. Quhilk covenant with the patent and missive foresaid being read and considderit be the saids Lords and they rypelie advised thairwith, the Lords of Secreit Counsell continewes the expeiding of the said patent till the nixt Counsell day, and in the meane tyme ordains the said M^r^ Nathaniel to proceid and be going on for the making of his tryell; and ordains the missive and contract to be registrat in the bookes of Secreit Counsell for his warrand, and ordains ane copie of the patent to be delyvered to George and Alexander Bruces and to M^r^ Alexander Hamiltoun who wer personallie present and who promeist to communicat the same to the rest of the salt maisters and to report thair opiniouns thairanent the nixt Counsell day; of the whilk missive and contract the tennour followes:—CHARLES R. Right trustie and weilbelovit counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and trustie and weilbelovit counsellours, we greit yow weill. There hes beene opened unto us ane mysterie for improving of salt in quantitie, goodnesse and use, whairby the subject in generall and the salt maisters in particular with lesse charge than before sall increasse thair benefite and we lykewayes have a particular and beneficiall interest, as it is offered to be made appeare there by a faire tryell. We, thairfoir, to secure the undertakers in some sort before forder opening of the said mysterie have signed unto thame ane grant of the sole exercising of the said mysterie and entered in forder covenants to be performed after the returne of the said tryell made. These ar thairfoir to will and require yow furthwith to exped the said grant and record the saids covenants; bot with all to appoint some commissioners best able to judge of suche busineses to assist and see the said tryell performed, and accordinglie to informe us of the successe thairof. Whairin

Acta July 1629-December 1630. Fol. 254, b. not doubting of your care and diligence we bid you fairweill. Givin at our Court at Okyne this 29 of July 1630.

"CHARLES R.—At the Court at Okyne[1] the twentie nyne day of July the j^m vj^c and threttie yeeres. It is appointed, agreed and finallie contracted betuix the most excellent, high and mightie prince, Charles, be the grace of God, King of Great Britane, France and Ireland, defender of the faith, etc., with advice and consent of his Majesteis Privie Counsell of the kingdome of Scotland, on the ane part, and his trustie and weilbelovit counsellour, James Gallouay, sole Maister of Requeists in his Majesteis kingdome of Scotland, and Nathaniel Udward of Leith in the realme of Scotland, Esquire, on the other part, that is to say—Forsomuche as his Majestie considering how necessarie and profitable a thing it is to have salt made in all his dominiouns in suche plentie and perfyte goodnes serviceable for all uses as in a short tyme
Fol. 255, a. all his kingdomes may be furnished with the same at home whiche in tyme past has beene brought from forrane parts; and seing the saids undertakers have takin upon thame to make and sett up ane new fashioun of pannes and fornaces and other necessarie things for making of salt not formerlie seene or used within his Majesteis dominiouns in suche sort that whereas before ane boll of salt wes made at the usual salt pannes within his Hienes kingdomes, they doe now undertake by this new inventioun to make one halffe more for the benefite and profite of the owners of the saids salt pannes and what quantitie they sall make over and above that to come to his Majestie and thameselffes yeerelie as a dewtie payable to his Majestie and for thair owne paynes, charges and inventioun; and this quantitie aforesaid to be made be thame with the same proportioun of fewell as formerlie they did make bot one boll, and that the salt sall be of a more perfyte goodnes and serviceable for all uses than the salt usuallie made heeretofore within his Majesteis dominiouns. And lykewayes his Majestie out of his princelie consideratioun foreseing how painefull and difficult the first erecting and setting up of suche workes will be to the saids undertakers and what great charges they have beene and ar lyke to be putt to in commenting [*sic*] and accomplishing so great a worke, and with all out of his princelie and tender regarde to the publict good of his kingdome desyrous to have the saids workes furthwith begun and sett agoing, thairfoir his Majestie for the ease, helpe and encouragement of his trustie and weilbelovit counsellour, James Gallouay, and Nathaniel Udward, thair airs, executours, assigneyes, partners, factors and servants, with advice and consent aforesaid, out of his princelie goodnes and for other weightie considerations moving him thairto, doeth bind and obleis himselffe, lykeas be thir presents under his Majesteis hand and seale his Hienes doeth promise for

[1] On the margin here is the following note—"This contract renewed by a posterior contract bearing dait at Whitehall the 22 day of Februar 1630 yeeres *stylo Anglicano*, and past and allowed in Counsell upon the 20 day of Apryle 1631; so as the contract heere registrat is voide and of no force."

himselffe and his successours *in verbo principis* to performe and fulfill to the aforesaid undertakers and thair foresaids these conditiouns following, viz. — That the saids undertakers and thair foresaids sall in tyme comming injoy the whole benefite and priviledge conteanned in thair patent for and during the yeeres thairin mentiouned in als ample forme and maner as if every conditioun and article conteanned in the said patent wer heere particularlie exprest to the whiche relatioun is to be had. And if anie thing sall be thought upon heerafter whiche may further and advance the said inventioun and the benefite thairof his Majestie doeth by these presents promise *in verbo principis* by his grants, warrants and proclamations fra tyme to tyme to authorize and strenthen the same. And lykewayes his Majestie sall command all his subjects whatsoever to use and exerce the said inventioun and no other during the space of fiftie one yeeres nixt and immediatlie following the dait heirof under the penalteis and paines as by his Majesteis warrants and proclamations sall be enacted and declared. And seing the foresaid tryell of this new inventioun of making of salt is first of all to be tryed in his Majesteis said kingdome of Scotland, and forsomuche as for the present the foresaid undertakers have thair grant onelie for making of salt within that kingdome, notwithstanding his Hienes doeth promise by these presents *in verbo principis* that they and thair foresaids sall upon a tryell made, as is before mentioned, have als ample a grant and patent for using and exercing the said inventioun of making of salt in the kingdomes of England and Ireland as they have grantit to thame in Scotland, togidder with all suche conditiouns ather thought upon or mentiouned alreadie in thair patent or whiche may be thought upon and thereafter found necessarie for the good proceiding of the saids workes and profite to arise to his Majestie, owners or undertakers aforesaid, furth of the same. Thairfoir his Hienes trustie and weilbelovit counsellour, James Gallouay, and Nathaniel Udward binds and obleisses thame and thair foresaids at the sight of his Majesteis Counsell of the said kingdome of Scotland sufficientlie to secure for his Majesteis use ather in specie or pryce the just moytie of all the excrescence of salt that sall be made at anie salt panne within the said kingdome be vertew of this new inventioun during the tyme foresaid (the owners of the saids pannes and thair foresaids full proportioun of salt as is before mentiouned being first deduced). And it is heirby expresslie provyded for the releefe and discharge of the saids undertakers that if anie maisters of the saids salt pannes sall chance to breake or refuse to pay to the saids undertakers anie suche proportioun as sall happin to be dew to his Majestie in tyme comming as is aforesaid furth of the saids pannes that than and in that caise the saids undertakers and thair foresaids sall be discharged of the said rent to his Majestie *pro tanto* by giving in the bands of the parteis obliged to his Majesteis Exchecker whairby his Hienes owne officiars at his Majesteis proper coasts and charges may recover the debt. And

Acta July 1629-December 1630. Fol. 255, a.

Fol. 255, b.

Acta July 1629-December 1630. Fol. 255, b.

lastlie, his Majestie doeth *in verbo principis*, for himselffe and his successours, promise to alter and renew these presents to the saids undertakers and thair foresaids in the most sure and ample forme as sall be found requisite for thair further securitie concerning his Majesteis part and his performance of the premises, keeping alwayes the substance heirof, and to ratifie and confirme this present contract and all clauses, articles and conditiouns thairin conteanned in his Hienes high Court of Parliament nixt to be haldin within the said kingdome, for whiche thir presents sall be sufficient warrand to the Lords of Articles of the said Parliament to that effect. And for the mair securitie his Majestie and the saids undertakers are content and consents that thir presents be registrat in the bookes of Counsell of the said kingdome to have the strenth of ane act and decreit of the Lords thairof with all neidfull executioun to follow thairupoun in forme as effeirs, and to that effect constituts and ilk ane of thame, conjunctlie and severallie, thair lawfull procuratours, *promittendo de rato*. In witnes whairof his Majestie hes sealed and superscryved and the saids undertakers have subscryved thir presents with thair hands, day, yeere and place foresaid, before thir witnesses, Williame Hay, brother to James Hay of Mayne, George Abircrombie and Duncane Wallace, wrytter foresaid. *Sic subscribitur*, JAMES GALLOUAY, NA. UDUART, Williā Hay, witnes; G. Abircrombye, witnes; Duncane Wallace, witnes."

Fol. 256, a.

Resignation to the Crown of the Stewartry of Annandale by John, Earl of Annandale.

"The whilk day in presence of the Lords of Secreit Counsell compeired per[sonallie] Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane Lord, and produced and exhibite before the saids Lords ane procuratorie of resignatioun made and subscryved be Johne, Erle of Annerdaill, heretable Stewart of the Stewartrie of Annerdaill, bearing date the secund day of September instant, by the quhilk be made and constitute James Douglas, maisser, his procurator, for resigning in his Majesteis hands the said office of Stewartrie of Annerdaill, with the haill fees, dewteis, casualiteis, priviledges and pertinents thairof, to remane and abide with our soverane Lord and his successours in all tyme comming, and to the intent his Majestie and his successours may use and dispone thairupon at thair pleasure. Upon the whilk resignatioun made be the said James Douglas as procurator foresaid, the said Sir Thomas Hope, his Majesteis Advocate, being personallie present, asked instruments."

Decreta, January 1630-February 1631. Fol. 105, a.

[Sederunt as recorded above.]

Holyrood House, 8th September 1630.

Complaint by Robert Brown, younger in Meadowhead, against Robert Stark and William

Complaint at the instance of Robert Broun, younger, in Medowheid, as follows:—Upon certain letters of caption executed against him for debt he was arrested and warded in the Tolbooth of Edinburgh, but having agreed with the party he obtained relaxation from that horning, when he was arrested in ward by virtue of other two hornings at the

Walwood, messengers, at whose instance he has been detained longer in ward than his offence against them justifies.

instance of Robert Stirk and William Walwod, messengers, for failing to enter into ward in the said Tolbooth till their Lordships should deal with him for twice deforcing them. He has now on this account been in ward for , "quhilk is ane punishement heavier nor anie fault committed be him agains the saids messingers can merite," and having nothing to sustain himself, and "lyke to perishe for plaine want," he craves his liberty. The pursuer compearing by Mr. Alexander Fouller, his procurator, but the two messengers not compearing, the Lords, having taken caution of the pursuer in the Books of Privy Council for 300 merks that he will appear on 2nd November next and answer to the two charges of deforcement, and that he will warn both defenders of the said diet, ordain the provost and bailies of Edinburgh to liberate him within 24 hours, in so far as he is imprisoned on the above charge.

Decreta, January 1630-February 1631. Fol. 105, a.

Fol. 105, b.

Complaint by Isobel Mauld, Lady Parkley, and James Hamilton of Parkley, her husband, against Dame Barbara Cranston, Lady Touch, whom they accuse of making forcible entry into the place of Touch, carrying off their goods, and holding them in ward in the said place of Touch.

Complaint by Issobell Mauld, Lady Parkley, and James Hamiltoun of Parkley, her husband, as follows:—They are rightfully possessed of all the lands of the barony of Towche, and for three years have been in undisturbed occupation thereof till lately Dame Barbara Cranstoun, Lady Towche, taking advantage of the absence of the said Laird of Parkley in the service of the King of Sweden, came with some others by way of hamesucken to the place of Towche, where the complainer's whole family was for the time, "entered within the hous, perforce tooke the keyes of the place frome thair nurce, brake up the greatest part of the doores of the hous, togidder with the said Ladie Parkleyes coffers and cabinets, intrometted with the goods and geir being within the same, patt the greatest part thairof furth of the place and exposed the same to theeves, and without forme or order of law uplifted and away tooke the whole teind cornes, fruicts, and what ellis wes upon the lands and within the yairds foresaids. Informatioun whairof being made to the said Ladie Parkley, she being absent frome the familie for the tyme, she made her addresse with diligence hame to the place of Towche, being thair dwelling hous; bot how soone she come there the said Ladie Towche caused putt on great strong lockes upon the yetts and doores of the place and hes keeped and deteanned the compleaner and her familie within the said place as prisonners be the space of suffering nane of thair freinds nor acquaintance to come in to thame, and stopping and hindering thair servantis to goe furth to doe anie of thair necessarie effairis, verie presumptuouslie discharging and inhibiting all the inhabitants within the said baronie of Towche and parts nixt adjacent to sell, give or len to the compleaner or anie of her familie anie necessars quhatsumever or to intercommoun or beare companie with thame, under great paines, most proudlie usurping heirby his Majesteis princelie power and auctoritie upon the saids compleaners as if they wer rebells and tratours. And when as one James Wilsone did quyetlie convoy unto the compleaner ane boll of meale under night in part of payment of some dewteis whilks he rests awand to the compleaner the said Ladie Towche for this onelie

Fol. 106, a.

Decreta, January 1630-February 1631. Fol. 106, a.

caus spoyled and herryed the honest man of his goods and geir and threatned to putt him in the stockes, and she hes solemnelie avowed ather to force the compleaners to leave the hous or to caus thame dee thairin for fault: Lykeas in this meane tyme twa of the compleaners young infants having fallen sicke they wer redacted almost to the point of death for want of necessars. And upoun the aucht day of

Fol. 106, b.

October last the said Ladie Towche rancountering with Margaret Tannoch, servitrice to the said compleaner, who wes bringing in some necessars for her and her familie, she for that onelie caus cruellie punsed the poore man [*sic*] with her hands and feit, gave her manie bauch and blae straikes on diverse parts of her bodie, speciallie on the face, so that the blood gushed out at her mouth in great quantitie, and had not failed to have slaine her if some of her awin servants had not stayed her; and that same day she caused tirre the lofting and flooring abone the compleaners lardner and hes thairby so spoyled her provisioun and victualls as the same is become unusefull to the compleaner." Charge having been given to the said Lady Towche to compear, and Gabriel Blair in the Cannogait, and James Wilson in Mylneburne having been cited as witnesses, and both Lady Parkley, as pursuer, and Lady Towche, as defender, being present, the Lords, after hearing certain witnesses who failed to substantiate the charge, assoilzie Lady Towche, but declare that this decree shall not prejudice Lady Parkley in her lawful present possession of the place of Towche. The two witnesses above named, who failed to compear, were ordered to be denounced.

Fol. 107, a.

Complaint by Sir William Sinclare of Pentland, knight, and Elizabeth Sinclare, widow of Oliver Sinclare of Quhytkirk, as follows:—The said Elizabeth disponed her liferent right of the lands of Quhytkirk to the said Sir William, having been in possession thereof since her said husband's death. Thereafter she retired to Edinburgh "to have lived ane quyet lyfe," and appointed James Skougall, brother to Mr. John Skougall of Humbie, her procurator, to go with the said Sir William to the manor place of Quhytkirk and give him possession thereof. When Peter Sinclare, brother to the said deceased Oliver, and Ewfame M^cCalzeane, his mother, got information of this transaction, they on with others their accomplices, armed with swords, staves and other weapons, "came under cloud and silence of night to the place of Quhytkirk, the whole yetts thairof being closed and the keyes of the same being delyvered to the said James Skougall," violently broke up the said gates and doors, "rave aff the old lockes and putt on new lockes and settled thameselffes in the saids houses as if they had beene the onelie awners and proprietars thairof, brake up the yaird doores, cutt doun the growing trees, pulled aff the fruicts thairof, and verie pitifullie hes spoyled the planting of the saids yairds, and hes pryzed up sindrie cunzie stones of the saids houses," apparently intending to destroy and demolish the same and make them unprofitable to the com-

Complaint by Sir William Sinclair of Pentland and Elizabeth Sinclair, widow of Oliver Sinclair of Whitekirk, against Peter Sinclair, brother of the deceased Oliver Sinclair, and others, for forcibly and unlawfully holding the manor house of Whitekirk.

plainer. Moreover, when on 7th August last the said James Skougall demanded possession in name of the said Sir William, they absolutely refused to give it in any case. Charge having been given to the said Peter Sinclare and Ewfame M'Calzeane, and both pursuer and defenders compearing, Sir William for instructing his right produced a charter by the said Oliver Sinclare of Quhytkirk to the said Elizabeth Sinclare then his future spouse, in liferent, of an annuity of 1400 merks upliftable from the lands and manor place of Quhytkirk with the pertinents thereof, dated 22d February 1622; and an Instrument of Sasine thereupon under the subscription of Gilbert Gray, notary, dated 23d February, bearing that sasine was givin by Robert M'Math in Quhytkirk, as bailie of Oliver Sinclare to John Pringill, servitor to John Sinclare of Hirdmistoun, as attorney of the said Elizabeth Sinclare within the "closse of Quhytkirk." He also produced a Procuratory signed by the said Elizabeth Sinclare directing the said James Skougall to go to the said manor place of Quhytkirk and give the keys thereof to the pursuer, the said procuratory being dated 7th August last. The Lords, having examined these documents and heard several witnesses, find that the defenders "violentlie dang aff the lockes of the houses lybellit and intrudit thameselffes in the possessioun thairoff," and ordain them to place the said Sir William Sinclare in possession.

Decreta, January 1630-February 1631. Fol. 107, b.

Fol. 108, a.

Complaint by Dame Margaret Cockburn, widow of Alexander Home of Renton, and Sir William Graham of Braco against John Home of Renton for forcibly taking possession of the teinds of the lands of Horsley.

Complaint by Dame Margaret Cockeburne, widow of Alexander Home of Rentoun, and Sir William Grahame of Brako, knight, now her spouse, for his interest, as follows:—She was infeft in liferent in the lands of Horsley with the pertinents and teinds thereof by her late husband, and has for several years since his death enjoyed the quiet possession of the same, till lately John Home, now of Renton, son of the said Alexander, has intermeddled with the said teinds by way of spulzie, and debars the complainer from her right and possession. He has done so for the past two years, and intends to do the same this year. She has an action on the matter presently before the Lords of Council and Session, and craves that order be given for the sequestration of the teinds meanwhile. Charge having been given to the said John Home of Renton, who compeared, and the pursuers compearing by Mr. William Cranstoun, their servitor, and parties having been heard, the Lords grant a commission to Trotter, called Laird Trotter, to collect and lead the said teinds for the present year, and stack them in some neutral barnyard until it be legally determined who has right to them.

Fol. 108, b.

Complaint by Edward Kellie, one of the prebendaries of his Majesty's chapel, against Andrew Sinclair and Alexander Hay, whom he accuses of

Complaint by Edward Kellie, one of the prebendaries of his Majesty's Chapel, as follows:—He has been charged at the instance of Andrew Sinclare and Alexander Hay, also prebendaries of the said Chapel, to pay to them respectively 364 merks and 32 pence, and 314 merks and 32 pence, being as they allege, the amounts due to them from a sum of 6000 merks delivered to the complainer by Adam, Bishop of Dunblane, Dean of the Chapel Royal, for distribution among the said prebendaries,

Fol. 109, a.

Decreta, January 1630-February 1631. Fol. 109, a.

and they intend to put him to the horn for disobedience. He admits having received the said sum for distribution, but states that the order to be followed therein was prescribed to him by the said Bishop in a letter, viz.—That each prebendary's rent was to be considered so that all should receive equal shares. It was found that the share of each, deducting what was given for their gowns, amounted to £240, from which there fell to be deducted the free rent of their benefices. The rent received by Andrew Sinclare is £133 6s. 8d., and this being deducted leaves only £106 13s. 4d. due to him. The rent received by Alexander Hay for his benefice is £53 6s. 8d., which being deducted leaves due to him only £186 13s. 4d. However, he has consigned the sums claimed in their Lordships' hands to be delivered to his pursuers if it be found that they are entitled to them, and craves suspension of the horning. Parties compearing and having been heard, the Lords grant suspension of the horning, and ordain James Prymrois, Clerk of the Council, to give up the consigned money to the defenders to be used by them as they please and to take their acquittance for the same.

claiming more than their just share of the 6000 merks assigned for distribution among the prebendaries of the said chapel.

Fol. 109, b.

Supplication by Sir John Scot of Newburgh, as follows:—He has been charged to appear this day before their Lordships to answer to a complaint by Andrew Scot, chirurgeon, for violently intruding himself into the house of Newburgh and removing the said Andrew therefrom and "shoaring and minassing him of his lyfe." He is most willing to compear, but cannot with safety, on account of some hornings under which he lies. He therefore craves a continuation of the case till next Council day, and their Lordships' protection to enable him to appear. The Lords, considering this the most effectual way to give the said Andrew Scot satisfaction, continue the case to 2d November next and grant the supplicant protection as craved till 4th November, provided he find caution for his compearance on that day, also for the indemnity of the said Andrew Scot in the meantime, and that he will remove himself and his family from the said house of Newburgh and put the said Andrew in possession thereof if it shall be found he ought so to do, under a penalty of 2000 merks if he fail in any point thereof.

Supplication by Sir John Scot of Newburgh for protection that he may respond to a charge brought against him by Andrew Scot, chirurgeon.

Fol. 110, a.

Complaint by George, Viscount of Dupline, Lord High Chancellor of this kingdome, and collector-general of the Taxation granted to his Majesty in October 1625, as follows:—Martin Newall, deceased, the late Sheriff Clerk of Dumfreis and Steward Clerk of Kirkcudbright, having charge of the receiving of the inventories of all lent money within the bounds of his office for the whole eight terms of the said taxation, and having received the said inventories, he was liable for the payment of the annual rents due for the same. These inventories and moneys were in his hands at the time of his death and they have been intromitted with since by Euphame Kincaid, his widow, and John Robert, Margaret and Janet Newall, his children. The complainer has made frequent applications for delivery of the said inventories and pay-

Complaint by George, Viscount of Duplin, collector-general of the taxation, against Euphemia Kincaid, widow of Martin Newall, sheriff-clerk of Dumfries, and her children, for refusing to give up certain inventories and sums of money, which were in

Fol. 110, b.

the deceased Martin Newall's possession.

ment of the moneys due to his Majesty, but without effect. Charge having been given to the said widow and children, and they failing to compear, and the pursuer compearing by Adam Keltie, his servitor, the Lords ordain letters of charge to be issued against the defenders for delivery as craved within ten days to the said Collector and his deputes, and failing obedience within other ten days they are to be denounced as rebels.

Decreta, January 1630-February 1631. Fol. 110, b.

Anent the proposal for disposing of the ballast of ships in the Forth.

See *ante*, p. 11.

A proposition having been made to his Majesty on behalf of John Boswell of Craigside, "proporting that the river of Forth, being the cheefest place for trade within this kingdome, is much spoyled by throwing thairin of ballast of shippes trading heere, whairby the same at manie parts is so shallow that if tymelie remedie be not used it will in tyme bring great annoyance to that part of the kingdome, and in speciall to suche of the nobilitie and gentrie having commoditeis for sale upon the coast and sydes thairof and to suche others who trade thairin both natives and forrainers; and seing in all parts of Europ and others civill parts where rivers ar whairin trade is used, the ballast of shippes is takin away and imployed to some use or cast upon the nixt adjacent shoare by some persouns speciallie appointed for that purpose who have some certane allowance for that effect, and seing it is most necessarie that the lyke good order sould be observed within the said river of Forth, and that the same may be done for keeping thairof cleane without exacting frome anie persouns trading there forder than they thameselffes sall know to be fitt and necessarie and what the Lords of Privie Counsell sall thinke meit for the generall good of trade within the said river"; and charge having been given to Andrew Wardlaw of Torrie, George Bruce of Carnock, Sir John Blacader of Tulliallan, Alexander Schaw of Sawchie, Alexander Bruce of Alva, Alexander, Earl of Linlithgow, Mr. Alexander Hamiltoun of Kinglassie, John, Lord Wemes, and Sir John Hamiltoun of Grange, to compear this day, under the pain of rebellion, to see order taken in this matter, there compeared the said John Boswall, the Laird of Sawchie, George and Alexander Bruce, Mr. Alexander Hamiltoun and Alexander, Earl of Linlithgow, his Majesty's Admiral. The last-named claimed "that the mater foresaid anent the spoyling of the Firth by throwing of ballast therein and the prescryving of orders for remeid thairof belongs to him as Admirall," and the Lords, after hearing both parties, ordain the reasons given in by the said John Boswell to be shown to the defenders and to be answered by them next Council day. They also order the report of the commissioners who took the former trial and survey concerning the spoiling of the said water to be produced that day.

Fol. 111, a.

Fol. 111, b.

Complaint by Thomas Sheil in Sandersdaes and others against William

Complaint by Thomas Scheill in Sandersdaes, Margaret Bartilmow, his wife, John, Thomas, and Alexander Scheill, his sons, Elizabeth and Sybilla Scheill, his daughters, William Thomesone, his servant, John Dicksone in Maynshill, John Bartilmow, younger, in Samwelstoun,

Decreta, January 1630-February 1631. Fol. 111, b.

Wilson in Easter Monkrig and others for exacting cautions beyond the quality of the complainers.

William and Alexander Bartilmow, his brothers, Henry Furde in Colstounmylne, John Wicht in Ormestoun, George Broun, second son to the Laird of Colstoun, Patrick Broun, bailie of Hadintoun, Patrick and George Broun, his sons, Archibald Broun in Huxstoun, Mr. Robert Broun in Hadintoun, David Sinclare, servitor to the Laird of Hirdmistoun, Patrick Sinclare, his brother, Alexander Home, son to George Home of Bassindene, and John Thomesone, messenger, as follows:—They have been charged at the instance of William Wilsone in Easter Monkrig, William and James Wilsone, his sons, John Dicksone, his son-in-law, William, James, and John Dicksone, his sons, Androw Marke, son-in-law to the said John, William Sinclare, also his son-in-law, William and James Sinclare, his sons, John Middlemist, also son-in-law to the said John Dicksoun, Marion and John Lawder, servitors to the said William Wilson, elder, James Lauder, servitor to the said John Dicksone, and James Lauder in Nunland, to find caution acted in the books of Privy Council for their indemnity, viz.—The said Alexander Home in 1000 merks, Patrick, Mr. Robert and George Broun, each in £500, and each of the others in 500 merks, under pain of horning. Now the said persons have never given and cannot give their oaths that they dread bodily harm at the hands of the complainers, who have never offended
Fol. 112, a. them by word or deed; and, further, the cautions demanded are far beyond what can be legally taken from persons of their rank and quality, "who all of thame ar of no better conditioun nor simple yeomen and labourers of the ground," the caution for whom is fixed at £40. Still, they have found caution for obedience if so it should be decerned, and meanwhile they crave suspension. Parties being charged and pursuers compearing by and defenders by the Lords, after hearing, grant suspension as craved, and modify the caution to be found by the complainers, in the case of Alexander Home to 500 merks, in that of Patrick, Mr. Robert and George Broun to 200 merks each, and in that of the remaining persons to 100 merks each.

Fines, 1614-31. Fol. 133, a.

Holyrood House, 8th September 1630. Complaint by Dame Isobel Seaton, Countess of Perth, and Daniel Wallace, minister at Morham, against Sir Robert Hepburn of Barfute and Mr. Patrick Hepburn of Smetoun, whom they accuse of preventing them

Complaint by Dame Isobel Seatoun, Countess of Perth, and Daniel Wallace, minister at Morhame, for his interest, as follows:—The said Countess years since obtained a tack of the teinds of the Kirk of Morhame from the parson thereof, one condition of which was that she would secure the minister thereof in the peaceable possession of the vicarage teinds as part payment of his stipend, in terms of which tack she has ever since intromitted with the parsonage teinds till, two years ago, for the convenience of her tenants, she agreed to accept from them a money payment instead, and they permitted the said minister to uplift his vicarage teinds. They are willing to do the like this year, but Sir Robert Hepburn of Barfute, and Mr. Patrick Hepburne of Smetoun, heritors of the lands of Morhame, have not only barred the petitioners from
Fol. 133, b. uplifting their teinds, but also discharged the tenants from paying the silver duty to the said Countess. Further, when Sir Robert learned

from lifting the parsonage and vicarage teinds respectively of the said kirk of Morham.

" that his tennents had permitted the minister to marke his teind lambes with his awne marke, he for this onelie caus threatned to remove thame, and discharged to give him anie teind, affirming that he sould fast and gett no teind of him this yeere." The said minister bore with this wrong, but at " hay tyme " having in the course of teinding his parishioners' hay come to Sir Robert's tenants, they refused to allow him to do so on account of their master's said prohibition. The minister thereupon was forced to have recourse to the said Countess, who sent George Quhytheid and Bartilmew Grainslie, her servants, with a notary on 13th August last to assist the minister in his lawful teinding, but while they were teinding some hay on Sir Robert's lands of Northrig and Standingstane, he, with Sir Michael Prestoun and others, his tenants, armed with lances and swords, came to them " and threatned thame if they teïnded anie there." The Countess's servants, having modestly reminded him of the late proclamation discharging all persons from leading teinds who were not in the habit of doing so for some years past or warranted for that effect by the Commissioners for the Surrenders, and further that if they had been inclined to use force they could have done so by their friendship in Lothian, " the said Sir Robert replyed that if 500 of the best of Scotland had beene with thame they sould not gett that teind except they got it over his bellie." He thereupon went to the lands of Pleuchefeild, which do not belong to him, and violently seized a large quantity of the minister's teind which was standing thereon. Upon their going to another field of Sir Robert's to proceed with their teinding, he followed them thither also with the like threats, so that they were forced to desist, and, moreover, he and his said brother avow that they will do the like in regard to the parsonage teinds of the said Countess. Pursuer compearing and passing from the pursuit of the Laird of Smetoun, and Sir Robert Hepburne, defender, being also present and admitting the prohibition given by him to his tenants, but alleging that he knew nothing of the said proclamation, the Lords, judging this alleged ignorance somewhat improbable, in respect of his confession, ordain him to pay a fine of 200 merks to the Treasurer, Depute Treasurer and Receivers of his Majesty's Rents, to be warded in the tolbooth of Edinburgh till he pay the same, to find caution acted in their Lordship's books to restore the vicarage teinds to the minister, and to allow the said Countess to uplift her parsonage teinds or else pay her the money value, and to find lawburrows to the said minister in £1000. The said minister is also ordained to find lawburrows to him in 500 merks.

Fines, 1614-31 Fol. 133, b.

Holyrood House, 8th September 1630. Commission to the Sheriff of Aberdeen and his deputes

Commission under the Signet to the Sheriff of Aberdein and his deputes, and the provost and bailies of Aberdein, or any three of them, the provost or one of the bailies being always present, to search for, apprehend, imprison and examine Margaret Lumsden in Futtie, Mallie Cowper there, and Marion Rodgie, dwelling at the shore of Aberdein.

Commissions 1624-30. Fol. 230, a.

Commissions, 1624-30. Fol. 230, a.

Marion Hardie, who was lately burned for witchcraft, at her examination before the Bishop of Aberdein and the provost and bailies of Aberdein, confessed that she and the persons named came "frome Fraserburgh in May last and conveennand with the devill at the water mouth of Dee beside the blockehous, plotted the death of Richard Cadenheids boate in Futtie, kuist ane nomber of stones in the water mouth when the boate wes comming in, quhairthrow and by thair divilish inchantments the said Richard and all his companie died, ane man excepted. And siclyke she confest that she accompanied with Margaret Fisher in Peterheid, Margaret Ritchie, Margaret Whyte there, Margaret Small, Margaret Buchan, Margaret Ritchie in Boddome, Margaret Gilchrist in Fishertoun of Bownes, Margaret Buchane, spouse to William Small, there, Cowie, ane browster there, and spous to Mathow Will in Peterheid, being all conveenned togidder in one companie at the devills command be Mathow Wills wyfe her instigatioun, destroyed ane boate belonging to Peterheid quhairin there perished or died twelffe or threttein persons." These last named persons are also to be sought for, apprehended and imprisoned, and all to be examined and the results reported in writing to the Council for further instructions—Signed by Mortoun, Wintoun, Lauderdaill, Hamiltoun, S[r] Thomas Hope, and Scottistarvett.

and others to apprehend and try Margaret Lumsden in Futtie and others who are accused of witchcraft.

Fol. 230, b.

Commission, signed as above, to James, Lord Desfoord, and the Sheriff of Aberdein and his deputes, or any two of them, for the trial of John Philpe, vagabond, for witchcraft.

Similar commission.

Another commission, signed as above, to Sir Robert Arbuthnot, elder, Sir Robert Arbuthnot, younger, of that Ilk, David Ramsay of Balmaine, Sir Gilbert Ramsay, younger, of Balmaine, knight baronet, David Barclay of Mathers, Sir Alexander Stratoun of Lawrestoun, Sir Robert Grahame of Morphie, David Rait of Halgreene, William Rait, younger thereof, and James Aides (*sic*—? Allardes) of Kinneff, or any two of them, to apprehend and try Patrick Tod in the parish of Eglisgreg for witchcraft.

Similar commission.

[Here ends the Register of Commissions.]

Sederunts November 1629-January 1635. Fol. 32, b.

"The quhilk day Gabriell Cuninghame for Glasgu, Johnne Cowane for Striviling and Williame Bell for Lynlythqu, compeirand personalie befoir the Counsell, maid offer of the lyke soume for the extraordiner taxatioun of thair burghis as they paid in the formair taxatioun; whilk offer the Lordis acceptit, and actis ordanit to be extendit thairupon."

Holyrood House, 8th September 1630. Glasgow, Stirling, and Linlithgow compound for their taxations.

Fol. 33, a.

In connection with the resignation by the Earl of Annerdaill of the Stewartry of Annerdaill, it is here added—"For discharge of the whilk office for the year to come the Lords made choise of the Laird of Lag to be Stewart of the said stewartrie, and ordanit a commissioun to be exped unto him, and a warrand to the Earlis of Wigtoun or Bugcleugh to tak his oathe."

The Laird of Lag appointed Steward of Annandale.

James Gordon of Letterfourie.

"A missive frome his Majestie concerning the abuses committit be James Gordoun of Letterfourie the tyme that he boor office in Badyenaugh under the Lord Gordoun. Ordanis him to be warnit to the nixt Counsell day at the instance of George Abircrombie, informair." Sederunts, November 1629-January 1635. Fol. 33, a.

French and Spanish salt.

"A proclamatioun aganis the transporte of Franshe and Spanishe salt."

The Earl of Annandale.

"A missive to his Majestie anent the wrong committit upon the Earle of Annandaill be Sir Richard Grahame."

New Scotland.

"Ane missive to his Majestie anent the clame pretendit be the Franshe king to New Scotland." Fol. 33, b.

Laurence Keir.

"Ane missive to the president of the Counsell and Secretair anent the commissioun send doun aganis Laurence Keir."

Bailiary of Kyle Stewart and Stewartry of Annandale.

"The Lordis nominatis Caprintoun to be baillie of Kyll Steuart and Lag to be Steuart of Annandaill."

John Milne, goldsmith.

"Ane charge aganis Johnne Miln, goldsmith, for making of the said Chancellouris seale" (referring to the charge against Richard Home of using a false seal of the Chancellor of Ireland, *ante*, p. 24).

Holyrood House, 8th September 1630.

Letters to the Commissioners of the Fishing summoning them to a meeting on November 2nd.

See *ante*, p. 20.

"After our verie heartilie commendatiouns to your good lordship. Whereas at the lait meiting of the estaits in the moneth of August last there was ane commissioun exped to some certane persouns of everie estait, of whome your lordship is one, for the treatie anent the commoun fishing and associatioun with England in maner specifeit in the articles sent doun frome his Majestie thereanent, and the secund day of November nixtocome is appointed for the compeirance of the haill commissioners before his Majesteis Counsell to receave thair informatioun and directiouns anent thair proceedings in this bussines; and whereas the mater is of so great importance quhairin the haill bodie of the estait hes suche commoun interesse, these ar thairfoir to requeist and desire your good lordship to keepe this dyet preciselie. Quhilk looking assuredlie your lordship will doe as yow respect his Majesteis obedience and service and the good of the countrie we committ yow to God. Frome Halyrudhous the aucht day of September 1630. *Subscribitur*, Mortoun, Wintoun, Lauderdaill, Hamiltoun, S[r] Thomas Hope, Scottistarvet." Royal Letters, 1623-33. Fol. 188, a. Fol. 188, b.

Holyrood House 8th September 1630.

Letter from the Council to Galashiels forbidding him to meddle with the teinds of the Earl of Lauderdale.

"After our verie heartilie commendatiouns. Having heard the complaint made aganis yow be the Erle of Lauderdaill anent the leading of his teinds in contempt of the proclamatioun laitlie sett out and published anent the leading of teinds[1], we mervelled not a little that suche ane contempt and dissobedience sould have fallin out in your persoun who so long hes borne office and beene imployed in so manie publict services of the state. And however we have excused your absence and not compeirance at this tyme in respect of the testimonialls produced and hes continewed that complaint to the nixt Counsell day appointed to be upon the secund day of November nixttocome, yitt we cannot be answerable to his Majestie if we sall oversee and connive at anie forder Fol. 186, a.

[1] See *ante*, p. 38.

Royal Letters, 1623-33. Fol. 186, a.

contempt to be committed be yow in this kynde; and thairfoir these ar to forewarne yow and in his Majesteis name to command yow as yow will be answerable upon your highest perrell to forbeare all forder medling with these teinds this present yeere bot to suffer the nobleman, according to his right and former possessioun (latelie interrupted be yow) peaceablie to collect and leade the saids teinds without anie trouble or molestatioun to be done be yow to him. Quhairin, if we sall heare of anie forder complaint aganis yow, we will be constrained to take suche course thairin as is dew to persouns disturbers of the publict peace and quyetnes of the kingdome; bot looking that yow will be more respective of your dewtie and obedience in this point, we committ yow to God. Frome Halyruidhous the aucht day of September 1630. *Subscribitur*, Mortoun, Wintoun, Hamiltoun, S^r^ Thomas Hope, Scottistarvet."

Acta July 1629-December 1630. Fol. 256, a.

Sederunt ut die prædicto.

Holyrood House, 9th September 1630. Charge to merchants and shipowners forbidding them to transport French or Spanish salt out of the kingdom.

"Forsameekle as it is understand to the Lords of Privie Counsell that the Frenche salt is of necessarie use for making and salting of fishe, whairof this countrie is lyke to be depryved be reasoun of the restraint of exportatioun thairof latelie made in France; and whereas order and good governement requires that the Frenche or Spanishe salt, being within this kingdome, sall be reteanned within the same and sold to the lieges thairof at ane reasonnable rate for service of the countrie in the uses aforesaid, thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie merchants, maisters and owners of shippes that they nor nane of thame presoome nor take upon hand to transport furth of this kingdome anie Frenche or Spanish salt under all highest pane that by course of law may be inflicted upon thame for thair dissobedience, and if neid beis to fence and arreist the vessellis and shippes whairin the said salt is or sall happin to be shipped and to take the sailes fra the raes to the effect they may not depart."

The Council accepts the composition offered by the burgh of Linlithgow for the extraordinary taxation of the said burgh.

"Anent the supplicatioun presentit to the Lords of Secreit Counsell be the provost and bailleis of Linlithgow makand mentioun that where in the twa former taxatiouns, whairof the one wes grantit to his Majesteis darrest father of blessed memorie in the moneth of August, 1621, and the other wes grantit to his Majestie himselfe in the moneth of October, 1625 yeeres, they agreed with the saids Lords for the soume of ane hundreth three score three punds twa shillings sax penneis for the extraordinarie taxatioun of thair burgh upon the annuelrents in either of the saids twa taxatiouns and for everie yeere of the foure termes payment of the same; and whereas they ar willing and content
Fol. 256, b. to underly that same course and to make the lyke offer of ane hundreth three score three punds twa shillings sax penneis for everie one of the foure termes payment of the present taxatioun grantit to his Majestie in

the moneth of Julij last and for the extraordinarie taxatioun upon the annuelrents of thair said burgh; and whereas lykewayes the Kings Majestie by his letter direct to the saids Lords hes allowed and warranted thame to compone with suche burrowes for thair extraordinarie taxatioun as will make offer of the lyke soume for this taxatioun as they payed in the twa preceeding taxatiouns foresaids, humbelie desyring thairfoir the saids Lords to accept of this thair offer and that they may have ane act of Counsell past and exped thereupoun, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard, and considderit be the saids Lords, and they having lykewayes heard Williame Bell, deane of gild of Linlithgow, who compeired in name of the saids provest, bailleis and counsell and made the offer foresaid, and, the saids Lords finding the desire of the said supplicatioun reasonable, the Lords of Secreit Counsell, according to his Majesteis missive letter and directioun sent unto thame in this mater, hes thairfoir accepted and be the tennour heirof accepts the offer foresaid of ane hundreth three score three punds twa shillings sax penneis made be the said Williame Bell in name of the said burgh for the extraordinar taxatioun thairof upon the annuelrents for everie ane of the foure yeeres payment of the said extraordinar taxatioun, quhilk the said Williame promeist to caus be thankefullie and tymouslie payed with the ordinar taxatioun of thair said burgh to his Majesteis Collectour of the said taxatioun and to his deputs and under receavers in his name having his power to receave the same. Quhilk payment so to be made sall be ane sufficient exoneratioun and discharge to the said burgh in that behalfe. And the Lords declaires and ordains that the said extraordinar taxatioun sall be payed allanerlie be the burgeses, freemen and inhabitants of the said burgh, who be the law hes beene obleist in tyme bygane to pay ordinar taxatioun and to keepe watche and waird and to beare all other burdeins for the weale of the said burgh, togidder with the wedowes and the sones and daughters, being minors, of all suche burgeses, freemen and inhabitants as in thair lyfetymes wer of the conditioun and nomber abonewritten and did beare burdein with the said burgh, so that they and no others sall be comprehendit within this agreement; secluding out thairof all persons dwelling in the countrie altho they have tenements within the said burgh for the quhilks they ar lyable to pay ordinar taxatioun; commanding heirby all the inhabitants within the said burgh that nane of thame presoome to len thair names to the outputting of moneyes apperteaning to persons dwelling in the countrie as they will answere upon the contrarie at thair perrell."

Acta July 1629-December 1630. Fol. 256, b.

Agreement with Stirling for its extraordinary taxation.

Similar Act of Council in favour of the burgh of Stirline upon a supplication by the provost, bailies, and council thereof, presented by John Cowane, their Dean of Guild. They had componed their extraordinary taxation upon the annualrents in the two last taxations for a payment

Acta July 1629–December 1630. of £422 17s. 9d. for each year of the four terms, and the Lords consent to their doing so for the present taxation also.

Fol. 257, a. Fol. 257, b. Similar Act of Council in favour of the burgh of Dumbar upon a supplication by the provost and bailies thereof presented on their behalf by Sir James Baillie of Lochend, knight. They are willing to pay the sum of £90 15s. for their extraordinary taxation upon the annualrents for each year of the four terms, being the same as was paid by them in the two former taxations, and of this offer the Lords accept. In this case the Lords ordain the provost and bailies of Dumbar to deliver to the Collector or Clerk of the taxation a note of the names of all such persons within their burgh as are burgesses and freemen, liable to watch and ward, and to contribute to the public affairs thereof, subscribed by their clerk, so that it may be known that they and no others are stented.

Agreement with Dunbar for its extraordinary taxation.

Fol. 258, a.

Similar Act of Council in favour of the city of Glasgow on a supplication by the provost and bailies thereof, presented by Gabriel Cunninghame, provost. They had componed for their extraordinary taxation upon the annualrents in the two preceding taxations by a payment of £815 12s. 6d. for each year of the four terms, and are willing to pay the same for the present taxation. This offer the Lords accept.

Similar agreemant with Glasgow.

Fol. 258, b. "Anent the supplication presented to the Lords of Secreit Counsell be Elizabeth Garioch in Claymyres, makand mentioun that where it is not unknowne to the saids Lords what heavie trouble, miserie and distresse she hes susteaned of lait for her aversenesse and not conformitie to the religioun presentlie profest and be law established within this kingdome, being committed to waird for the same within the tolbuith of Aberdein, where she hes remained these moneths bygane having no earthlie meanes whairwith to interteaine her selfe bot ane croft of sax bollis sawing and nather husband nor childe to attend the winning and ingaddering thairof, besides that she is ane sickelie, aged, decrepite woman, past three score ten yeeres, bedrell for the present, and not likelie long to live, whiche makes her restraint to be so muche the more greevous unto her that for obteaning of her libertie and for eschewing of scandall whiche her remaining in the countrie may breid or occasioun, she is content and readie to find sufficient cautioun actit in the bookes of Secreit Counsell for her removall furth of his Majesteis dominiouns within suche a reasonable tyme and under suche panes as the saids Lords after consideratioun of the seasoun of the yeere and of her distrest estate sall thinke fitt to appoint; humbelie desyring thairfoir the saids Lords to give command to the provest and bailleis of Aberdein to putt the supplicant to libertie and freedome furth of thair tolbuith and suffer her pas where she please, she finding cautioun actit in maner and to the effect abonewrittin, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard, and considderit be the

Supplication by Elizabeth Garioch in Claymyres, a prisoner in the Tolbooth of Aberdeen for her religion, that she may be freed from ward and allowed to leave the country.

saids Lords and they being sparing to proceed or meddle in the said mater without the privitie and allowance of the Bishop of Aberdein within whois diocie the said supplicant remaines and to whome the fyftene of this instant wes formerlie appointed for her removall, thairfoir the saids Lords hes remitted and thairwithall gives warrand to the said Bishop of Aberdein to receave sufficient cautioun and sovertie for the said supplicant her removall furth of his Majesteis dominiouns betuix and suche tyme as the said Bishop of Aberdein after consideratioun of the said supplicant her estate sall allow and appoint, and that under the pane of ane thowsand merkes; and ordaines the said Bishop to returne the said bond of cautionerie to the Clerk of the Privie Counsell to be registrat by him in the bookes thairof. Whiche cautioun being found be the said supplicant and testified by the Bishop, the saids Lords ordains the provest and bailleis of Aberdene to putt the said supplicant to libertie and freedome furth of thair tolbuith and suffer her pas where she please, quhereanent the extract of this act with the said Bishop his attestatioun upon the receaving of the said cautioun sall be ane sufficient warrand to the saids provest and bailleis." Acta July 1629-December 1630. Fol. 258, b.

[Sederunt as recorded above, except Wigtoun.]

Holyrood House, 9th September 1630.

Decreta, January 1630-February 1631. Fol. 112, b.

Supplication by Sir David Home of Wedderburn for continuance of protection in order that he may meet the claims of his creditors.

Supplication by Sir David Home of Wedderburne, as follows:—The protection granted to him for going about and settling with his creditors has expired, and during the term thereof he hes been very diligent in the business. "The restraint of his libertie and freedome fra attending his teinding and others his adoes this present harvest will be ane great hinder and lett to this worke," and therefore he craves that the Lords would extend his protection. This their Lordships do until 15th November next.

Supplication by Sir John Home of Blackadder, Sheriff of Berwick, for immunity from caption for the apprehension of Sir James Home of Eccles and Sir David Home of Wedderburn.

Supplication by Sir John Home of Blacader, knight, as follows:—The King has been pleased to appoint him Sheriff-principal of Berwick for the following year, and he has "frequent and urgent bussines with Sir James Home of Eckills, knight, and Sir David Home of Wedderburne," he and his estate being burdened heavily as cautioner for them, and measures are being taken for disposing of portions of their estates for his relief. For this purpose it is necessary they should meet frequently together, and he has certain information that in his capacity as Sheriff he will be charged with captions for the apprehension of the said Sir James and Sir David Home. That his business may proceed he craves that their Lordships would grant him an immunity from the said charges of caption, with their licence to intercommune with these gentlemen during his period of office. The Lords, however, only grant him this iberty until the 20th of November next. Fol. 113, a.

Sederunts, November 1629-January 1635. Fol. 33, b.

"That the retrinsheing of the libertyis due to the subiectis of this kingdome trading in France be rememberit and consideerit of the nixt Counsell day, and ordanis the Clerk of Register to seeke oute and produce that day all recordis he can find concerning the saids privilegeis."

Holyrood House, 9th September 1630. Anent the liberties of trade with France.

"The nixt Counsell day appointit to be upoun the secund day of November nixt."

Date of next meeting of Council.

Royal Letters, 1623-38. Fol. 185, b.

"After our verie heartilie commendatiouns to your good lordships. Your lordships remembers of the commissioun sent doun frome his Majestie anent Laurence Kerr and upon quhat grounds the same wes stayed and ane missive ordained to have beene writtin to his Majestie acquainting his Majestie with the reasouns of the stay, bot this missive being miscaryed and never sent to his Majestie it hes pleased his Majestie of new by his letter direct to the Lord Chanceller to give warrand for expeiding of the said commissioun and appending of the seale thairunto. And whereas thir reasouns quhilks formerlie procured the said stay ar yitt of the same nature and force and the not representing of the same hes beene the caus of this secund directioun quhairin notwithstanding his Majestie hes exprest his singular care both of the libertie of the kingdome and of the dew course of justice in so farre as he hes limited his directioun to a lawfull caus and reasoun to be showin to his Majestie why the commissioun sould not pas; thairfoir we will earnestlie requeist your good lordships to excuse us to his Majestie for not expeding the commissioun and to represent to his Majestie the reasouns moving us thairto, to wit, that the commissioun wes not docquetted be your Majesteis Secretar quhilk made it so muche the more suspicious and it boore no warrand to the Directour of the Chancerie for expeding thairof. 2. The commissioun in the termes as it is conceaved is not warrantable be the lawes of this kingdome, the partie never being callit to his answer nor no direct accuser knowin aganis him. 3. The commissioun gives power to inquyre and take up dittayes aganis the partie and to examine witnessis upon oath quhilk has never beene usuall bot in justice airis. 4. The commissioun gives warrand to direct letters of horning upon everie thing to be concluded be the commissioners outher aganis the partie or the witnessis, quhilk lykewayes hes not beene usuall quhair a partie is answerable and lawbydding and never declynned a lawfull tryell. 5. By the fundamentall lawes of the kingdome there is judicatoreis als weill soverane as subalterne established for trying and punishing of all offenders quhatsomever frome the highest cryme of treasoun to the smallest cryme that can fall out and in thir judicatoreis parteis greeved may expect redresse of thair just greeves and sould not importune his Majestie with commissiouns of this kynde derogating to the authoritie of the ordinar judges, prejudiciall to the liberteis of the kingdome, and greevous to his Majesteis good subjects in consequence and exemple. Thir and suche others reasouns as your lordships out of your awin judgements sall find

Holyrood House, 9th September 1630. Letter to the Earl of Monteith and Sir William Alexander anent the case of Laurence Ker. See *ante*, p. 40.

Fol. 186, a.

out we will earnestlie requeist your lordships to represent to his Majesteis royall and judicious consideratioun, letting his Majestie know that we ar free of all privat respect to the partie in this particular whois offence we preasse not to excuse nor extenuat nor yitt to shunne and frustrat his tryell, bot our humble desire is that his Majestie would be pleased to remitt him to his ordinar judge before whome the course of justice will be patent to all compleaners. And if his Majestie be resolved to have the commissioun to goe on, upon significatioun of his royall pleasure thereanent his Majestie sall receave satisfactioun. And so with the remembrance of our best affectiouns, committing your lordships to Gods protectioun, we rest, etc. Halyrudhous *nono Septembris* 1630. *Subscribitur*, Mortoun, Wintoun, Lauderdaill, Hamiltoun, S. G. Elphinstoun, James Baillie, Scottistarvet." Royal Letters, 1623-33. Fol. 186, a.

Holyrood House, 9th September 1630. Letter to his Majesty in favour of the Earl of Annandale.

"Most sacred soverane, By this petitioun givin in to us be the Erle of Annerdaill your Majestie will perceave what just caus of complaint hes beene givin to him be Sir Richard Grahame, knight, in a mater concerning the twa kingdomes and how that he out of his humble and respective obedience to your Majesteis peace hes forborne to doe anie thing quhilk might give the least occasioun of dislyke or breake in these bounds, and contents himselffe to seeke reparatioun and redresse of his wrongs by the dew course of justice, quhairin he hes hitherto so carried himselffe as nothing hes fallin out on his part prejudiciall thairto. And whereas the point in questioun betuix thame is nationall concerning both kingdomes, and quhilk of a small begining may produce forder disorder to the breake of the publict peace, we have thairfoir presoomed to recommend his petitioun and the desire thairof with the consequence of the wrong and what may result thairupoun to your royall and excellent judgement and humbelie to beseeche your Majestie to take suche speedie and tymous order thairin as all forder occasioun of disorder and trouble may be prevented and the good and happie peace quhilk your Majestie so earnestlie affects betuix the kingdomes may be cherished and interteanned. And so, etc. From Halyrudhous 9 *Septembris* 1630. *Subscribitur*, Mortoun, Wintoun, Lauderdaill, Hamiltoun, S^r^ Thomas Hope, Scottistarvet." Fol. 187, b. Fol. 188, a.

Holyrood House, 9th September 1630. Letter to his Majesty anent the French claim to New Scotland.

"Most sacred Soverane, We have understood by your Majesteis letter of the title pretendit by the Frenshe to the lands of New Scotland, whiche being communicat to the Estaits at thair lait meiting and they considering the benefite arysing to this kingdome by the accessioun of these lands to the crowne and that your Majestie is boundin in honnour carefullie to provyde that nane of your Majesteis subjects doe suffer in that whiche for your Majesteis service and to thair great charge they have warrantablie undertakin and successfullie followed out, we have thairupoun presoomed by order frome the Estaits to make remonstrance thairof to your Majestie, and on thair behalffe to be humble supplicants to your Majestie that your Majestie would be graciouslie pleased

Royal Letters, 1623-33. Fol. 188, a.

seriouslie to take to heart the maintenance of your royall right to these lands and to protect the undertakers in the peaceable possessioun of the same, as being a bussines whiche tuiches your Majesteis honnour, the credite of this your native kingdome and the good of your subjects interessed thairin. Remitting the particular reasouns fitt to be used for defence of your Majesteis right to the relatioun of Sir William Alexander, your Majesteis Secretarie, who is entrusted thairwith, we humblie pray the Almightie, etc. Halyrudhous 9 *Septembris* 1630. *Subscribitur*, Mortoun, Wintoun, Lauderdaill, Hamiltoun, S[r] Thomas Hope, Scottistarvet."

Acta July 1629-December 1630. Fol. 259, a.

Sederunt—Chancellor; Treasurer; President; Privy Seal; Lin-lithgow; Wintoun: Lauderdaill; Lord Areskine; Lord Melvill; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie. Holyrood House, 2nd November 1630.

Proclamation forbidding the export of all kinds of corn during the current year on account of the scarcity arising from the late harvest.

"Forsameekle as it hes pleased God to visite this kingdome with a most unseasonable, untymous and lait harvest so that the cornes hes beene universallie evill win and in manie parts of the countrie they ar not yett win, quhilks threatens not onlie ane extreme skarsetie of all kynde of grayne and corne bot ane extraordinarie dearth of the same, to the appearand wracke and undoing of manie poore famileis and hurt of all persons of whatsomever ranke and qualitie; and the Lords of Secreit Counsell, being carefull to foresee and prevent all suche indirect courses as may forder this imminent skarsetie and dearth and to provide for the releefe and confort of the countrie, they have tharefoir resolved and be thir presents concludes and ordains that there sall be ane strait restraint of exportatioun of all sort of cornes be sea or land for the yeere to come furth of this kingdome; and for this effect ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects and all forrainers and strangers be opin proclamatioun at the mercat croces of the heid burrowes and seaports of this kingdome and others places neidfull that nane of thame presoome nor take upon hand at anie tyme heerafter during this yeere to come to carie or transport be sea or land furth of this kingdome anie kynde of cornes or victuall under whatsomever cullour or pretext under the pane of confiscatioun of the same victuall and of the haill remanent goods and geir perteaning to the awners and transporters thairof to his Majesteis use, besides the punishement of thame in thair persoun at the arbitrement of his Majesteis Counsell; and siclyke to command and inhibite all and sindrie skippers, maisters and awners of shippes, be opin proclamatioun, as said is, that nane of thame presoome nor take upon hand to fraught thair shippes for exportatioun of victuall nor to receave aboord of thair shippes anie kynde of victuall to be exported under the pane foresaid of confiscatioun; as alsua to command and charge all and sindrie shireffs, stewarts, provests and bailleis within burgh, customers,

searchers and all others his Majesteis officiars to burgh and land that they and everie ane of thame within thair severall bounds and jurisdictions have a speciall care and caus diligent attendance be givin that no victuall be transported out of thair bounds; and whereas they sall fynde or discover anie kynde of victuall shipped to be transported be sea or anie kynde of victuall to be caryed out of the countrie be land that they stay and arrest the same and nowayes suffer the same to be transported, bot that they putt it in ane sure keeping to be furthcummand to his Majestie as accords, as they and everie ane of thame will answere to his Majestie and the saids Lords upon the dewtifull discharge of thair offices and at thair highest charge and perrell." Acta July 1629-December 1630. Fol. 259, a.

The Laird of Lag accepts the Stewartry of Annandale.

"The whilk day Sir Robert Grier of Lag accepted upon him the office of the Stewartrie of Annerdaill and gave his oath for faithfull administratioun thairof." Fol. 259, b.

Warrant to Sir Robert Grier of Lag, Steward of Annandale, to appoint a clerk and to bestow the delinquents of the said Stewartry within the jail of Dumfries.

"Forsameekle as Sir Robert Grier of Lag is nominat and constitute to be Stewart principall of the Stewartrie of Annerdaill for the yeere to come, quhilk office vaiked in his Majestie hands by dimissioun made thairof be Johne, Earle of Annderdaill, lait Stewart principall of the said stewartrie, and whereas there is not ane clerk authorised with lawfull warrand within the said stewartrie to exerce the office of clerkship thairof, quhilk will be ane great hinder and prejudice to the said Stewart principall to discharge that service to his Majesteis contentment and weale of the subjects, thairfoir the Lords of Secreit Counsell gives and grants power and warrand to the said Stewart principall to make, chois and create ane sufficient clerk to serve in the office of clerkship of the said stewartie for the yeere to come at the leist ay and whill Sir Williame Alexander of Menstrie, knight, his Majesteis principall Secretarie, who hes power of nominatioun of the said clerk, provide and fill the said place with ane sufficient clerk. And whereas lykewayes there is no sufficient jayle within the said stewartie for keeping of rebellis, prisouners and delinquents so as when the said Stewart hes apprehendit thame he has no place whairin to keepe thame, quhilk will be lykewayes ane great hinder to his Majesteis service, beside the hurt and prejudice of his Majesteis subjects, and seing the jayle of Dumfreis is the most sure and commodious place where the prisouners and delinquents of the said stewartrie may be most commodiouslie keeped, thairfoir the saids Lords ordains and commands the said Sir Robert to caus all suche prisoners and delinquents who sall be apprehendit be him and his deputs to be saulfelie convoyed and caryed to the jayle of Dumfreis, and for this effect ordains letters to be direct chargeing the bailleis of Moffat, Annand and Lochmaben to receave fra the said Sir Robert and his deputs all suche persouns as sall be presented unto thame be the said Stewart and his deputs within twa houres nixt after they be charged thairto and to caus convoy and transport thame in suretie to the burgh of Dumfreis and to delyver thame to the provest and

Acta July 1629-December 1630. Fol. 259, b.

bailleis thairof within fortie aucht houres nixt thereafter under the pane of rebellioun and putting of thame to the horne, and to command and charge the provest and bailleis of Dumfreis to receave fra the saids bailleis of Moffat, Annand and Lochmaben or others having their power and warrand all suche persouns as sall be brought unto thame within twa houres after they be charged thairto, and to committ thame to waird within thair jayle, and to deteane thame thairin upon thair owne expenses ay and quhill thay be lawfullie and ordourlie fred and releeved, under the pane of rebellioun and putting of thame to the horne; with certificatioun to the persons abonewrittin or suche of thame as sall dissobey the said charge that not onelie sall they be denunced rebellis and putt to the horne bot lykewayes sall be otherwayes punished in thair persouns and goods as contemners and dissobeyers of the directiouns and commandements of his Majesteis Counsell."

Fol. 260, a.

Obligation by James Crichton to appear before the Council to abide investigation into the burning of his Tower of Frendraught.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Crichtoun of Fendraucht and declared that immediatlie after that unhappie and deplorable burning of his towre of Fendraucht[1] and of some noble persons and others being thairin committed be some devilish and odious plotters aganis him, his lyfe and estate in the moneth of October last, the said James Crichton of Fendraucht partlie out of greefe of mynde and partlie for eshewing anie suddane violence whilk might be used aganis him he addrest himselfe to the burgh of Perth where George, Vicount of Dupline, Lord High Chanceller of this kingdome, had his residence, and there humbelie desired the said Lord Chanceller to protect him frome all violence and injurie, and to take diligent tryell of the committers of the said haynous fact, and offered himselfe readie to undergoe whatsomever tryell for anie appearance of suspicioun whilk might arise aganis him upon occasioun of the burning of the persons foresaids within his towre. Lykeas now the said Laird of Fendraucht being come to the burgh of Edinburgh with the said Lord Chanceller and being personallie present this day in Counsell he repeated his former declaratioun in presence of the whole Counsell and humbelie intreated thame to make diligent searche and inquisitioun for trying the actors and committers of the said odious and treasonable fact; and for his awne part to testifie his innocence wes content to act himselfe, lykeas be thir presents he actit himselfe to compeir personallie before the saids Lords whenever he sall be lawfullie charged to that effect under the pane of ane hundreth thowsand merkes."

The Council approves the act of the Lord Chancellor in affording protection to the Laird of Frendraught.

"The Lords of Secreit Counsell, having heard the relatioun of James Crichtoun of Fendraucht proporting that immediatlie after that unhappie burning of his towre of Fendraucht and of some noble persons and others being thairin, in the moneth of October last, the said James addressed himselfe to the burgh of Perth, where George, Vicount of Dupline, Lord High Chanceller of this kingdome had his residence for the

[1] On October 8, 1630.

tyme and there humbelie desyred the said Lord Chanceller to protect him from violence and to take tryell of the committers of the said haynous fact and offered himselfe ready to underly whatsomever tryell upon anie appearance of suspicioun quhilk might arise aganis him upon the occasioun foresaid. And whereas the said Lord Chanceller declared in presence of the saids Lords that the said James Crichtoun of Fendraucht come to him in maner and to the effect abonewrittin and that he accepted of the said James in his companie and house and keeped him sensyne till this day of the said James his appearance before the Counsell, the Lords of Secreit Counsell findes and declares that the said Lord Chanceller in the accepting of the said James Crichtoun in his hous and companie and keeping of him till this day that the said James exhibite himselfe personallie before the Counsell did good and acceptable service to his Majestie and conformed himselfe to the credite and duetie of his place and office in everie point, and thairfoir the saids Lords exoners and approves the said Lord." Acta July 1629-December 1630. Fol. 260, a. Fol. 260, b.

Appointment of Commission anent the casting of ballast into the Forth. See *ante*, p. 36.

"The Lords of Secreit Counsell gives and grants commissioun to Alexander, Erle of Linlithgow, Dundas of that Ilk, James Areskine of Balgownie, Thomas Dalyell of Manerstoun, Robert Drummond and James Gib and to some mariners to be nominat and appointed be thame, to visite the river of Forthe and all the parts thairof abone the Quenisferrie both upon the north and south coast, and to consider the harme and prejudice done to the river be casting of ballast thairin and to report to the Counsell the harme and prejudice that they find in that mater."

Holyrood House, 2nd November 1630.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 113, a.

Appointment of the Justice-Clerk and others to examine Mr. George Semple, indweller in Paisley, who is accused of witchcraft.

Information having been given to the Council that "Mr. George Sempill, indweller in Paisley, hes beene ane bussie practiser and consulter in points of witchcraft, quhilk hes givin occasioun of ane foule and heavie scandall aganis him and aganis the holie ministrie whairof he wes sometyme a preacher," it was thought necessary that for clearing of his innocency he should be examined before the Council, and he has been summoned accordingly to this day. The said Mr. George compearing, and also Sir Walter Stewart of Minto, the informer against him, who declared that Agnes Boyd, who is now in hands for witchcraft, and has been brought to this town on suspicion thereof, "gave all the delatiouns aganis the said Mr George and that she would verifie the same aganis him," the Lords appoint the Clerk of Register, the Advocate and the Justice Clerk to examine the said Mr. George on the morrow in the Exchecker house, and confront him there with the said Agnes Boyd, and report their depositions in writing to the Council; and order is given to the said Sir Walter to present the said Agnes Boyd before the Commissioners for this purpose.

Decreta, January 1630-February 1631. Fol. 113, b.

Complaint by George Welshe, merchant burgess of Edinburgh, as follows:—He had caused charge Adam Weir of Whelpehill to fulfil certain points of a decreet arbitral between them, and because of this the said Adam Weir accompanied by David Weir, his brother, and others, armed with swords and other weapons, on 5th September last, being Sunday, assailed the complainer upon Crawford Mure, and with their drawn swords pursued and wounded him in several places, particularly gave him "ane cruell wound on the forehead to the effusioun of his blood in great quantitie," and they would have slain him had not some persons come to his relief. Charge having been given to the said Adam and David Weir, and they failing to compear, the Lords ordain them to be put to the horn.

Complaint by George Welsh against Adam Weir of Whelphill for assault.

Fol. 114, a.

Supplication by Francis Dryver, son of Charles Dryver, merchant in Birsto, as follows:—His father holds a letter of marque from his Majesty for the pursuit of the common enemy, and being in the dischage of his commission with a great warship, and the petitioner with him, they were driven by stress of weather into the river of Clyde. He and his company to the number of fifteen or sixteen persons having landed for the purpose of obtaining provisions and fresh water, they were first apprehended and imprisoned by Lord Sempill on suspicion of being pirates, but he finding no ground for this sent them to the Earl of Linlithgow, Lord Admiral, by whom they have been kept in ward for a long space, though they are true and loyal subjects, and the said Earl can find nothing in them to the contrary. They therefore crave that their Lordships would liberate them, so that they may go where they please with their ship and goods. The Lord Admiral having been heard as to certain wrongs committed by the petitioners upon certain persons, for which they had been detained in ward, the Lords, finding that the alleged wrongs "wer not verie considerable nor of great moment, and that they had sufficientlie suffered for what they had offendit in that kynde," commanded the Lord Admiral to set them free and suffer them to pass where they please with their ship and goods.

Supplication by Thomas Driver, in behalf of himself and his father, Charles Driver, who is commander of a warship and holds a letter of marque, that they may be liberated from prison, into which they had been cast by the Earl of Linlithgow on the groundless suspicion that they were pirates.

Sederunts, November 1629-January 1635. Fol. 34, a.

"The quhilk day a commissioun wes ordaint to be exped to the Lord Gordoun and Lord Hay for apprehending of Johnne Meldrum and exhibitioun of him befoir the Counsell."

Holyrood House, 2nd November 1630. Warrant for the apprehension of John Meldrum.

Acta July 1629-December 1630. Fol. 260, b.

Sederunt—Chancellor; Treasurer; President; Privy Seal; Wintoun; Air; Lord Areskine; Lord Melvill; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie.

Holyrood House, 4th November 1630.

Act of Council in favour of the burgh of Culros on a supplication by the provost and bailies thereof, presented on their behalf by Patrick Keir, burgess of Culross. They had componed in the two former taxations of 1621 and 1625 for their extraordinary taxation upon the annuelrents by a payment of £84 10s. for each of the four terms, and are willing to

Agreement with Culross anent its extraordinary taxation.

pay the like sum on the present occasion. Of this offer the Lords of Council accept. [See p. 41, *ante*.] Acta July 1629-December 1630.

Similar agreement with the Canongate.

Similar Act of Council in favour of the burgh of the Cannogait on a supplication by the bailies and Council thereof. They had formerly componed for payment of £100 for each of the four terms, and the Lords accept of their doing so on this occasion also. The petition was presented by James Aitoun, bailie of the Cannogait. Fol. 261, a.

Similar agreement with Hamilton.

Similar Act of Council in favour of the burgh of Hamiltoun upon a supplication by the bailies thereof presented by William Lowdain, town clerk of Hamiltoun, in their name. They had formerly componed for their extraordinary taxation by the payment of 100 merks for each of the four terms, and the Lords accept of the like payment for the present taxation. Fol. 261, b.

Commission to George, Lord Gordon, and others, to apprehend John Meldrum in Ridhall and others, who are charged with the burning of Frendraught.

" Forsameekle as the Lords of Secreit Counsell ar informed that there is diverse pregnant presumptiouns aganis Johne Meldrum in Ridhall, Williame Murrey, Robert Wilsone and Robert Ridfurde, his servants, that they have beene upon the knowledge, counsell, device and executioun of that most barbarous, inhumane and treasonable fire raising within the place of Fendraucht where Johne, Vicount of Melghame, the Laird of Rothemay, and some others gentlemen wer cruellie burnt thairin in the moneth of October last; and whereas this treasonable attempt committed within the said place of Fendraucht and upon the innocent persons of the saids Vicount of Melghame and Laird of Rothemay is without exemple and deserves most exact tryell, thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to George, Lord Gordoun, William, Lord Hay, and Sir Robert Gordoun, knight baronnet, conjunctlie and severallie to pas, searche and seeke the said Johne Meldrum, Williame Murrey, Robert Wilsone and Robert Ridfurde, his servants, where ever they may be apprehendit, and to bring, present and exhibite thame before his Majesteis Counsell to be examined upon the said cryme as accords: And if it sall happin the saids persouns or anie of thame for eschewing of apprehensioun to flee to strenths or houses, with power to the saids commissioners or anie of thame to follow and persew thame and to require and charge thame in his Majesteis name to rander thameselfes to the saids commissioners, and if they sall refuise to be takin and make oppositioun or resistance to the saids commissioners by keeping of the said strenths and houses or otherwayes, with power to the saids commissioners to make opin doores, and to use his Majesteis keyes, and if neid beis to raise fyre and use all kynde of force and warrelyke ingyne that can be had for apprehending of the saids persons being thairintill; and if in persute of the saids persouns they refuising to be tane thair sall happen fyre raising, slaughter, mutilatioun or anie inconvenient quhatsomever to follow, the saids Lords decernis and declaires that the same sall not be impute as cryme nor offence to the Fol. 262, a.

Acta July 1629-December 1630. Fol. 262, a.

saids commissioners nor persons assisting thame in the executioun of this commissioun, and that they nor nane of thame sall not be callit nor accused thairfoir criminallie nor civillie be anie maner of way in tyme comming notwithstanding quhatsomever acts and constitutiouns made in the contrare, whereanent the saids Lords dispenses be thir presents; and generallie all and sindrie things toward the apprehension of the saids persons to doe and use quhilks of the law or consuetude of this realme ar knowne to apperteane. Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin. And the saids Lords declaires that if the said Johne Meldrum, Williame Murrey, Robert Wilsoun and Robert Ridfurde will compear before the saids Lords and clear thameselfes of this treasonable cryme that they sall not be troubled for anie other caus and sall not be warded for anie hornings used aganis thame bot they sall be free to come and gang at thair pleasure."

Fol. 262, b.

Charge to the Provost of Jedburgh to present before the Council Robert Elliot, a notorious thief, whom the said provost had wrongfully liberated from ward in the Tolbooth of the said burgh.

"Forsameekle as Robert Ellot, callit of the Binkes, ane commoun and notorious theefe and fugitive frome the lawes, having latelie for eshewing of apprehensioun fled out of this kingdome to Flanders, he is returned agane and hes begun his old accustomed trade of thift and hes stollin fra Sir Arthure Gray, Englishman, sax ky, and appointed to part these ky with Williame Henrysone, his fellow theefe, within the burgh of Jedburgh, where they wer both committed to waird upon the rood day day last, within the quhilk waird they confest the thift and ane day wes assigned to the said Sir Arthure for persute of thame; and in the meane tyme provest of Jedburgh, at his awne hand, without anie warrand patt the said Robert Elliot to libertie furth of the said waird, whairthrow his tryell and punishement wes frustrat and disappointed, and he is now going athort the countrie following his wounted thift in all parts where he may find the occasioun, to the great hurt of his Majesteis subjects; quhairin the said provest hes verie farre overseene his dewtie and aucht and sould be answerable for the said Robert Elliot by entrie and exhibitioun of him to his tryell; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said provest of Jedburgh to compeir personallie and to bring, present and exhibite with him the said Robert Elliot upon the day of to the intent the said Robert may be delyvered to his Majesteis Justice to be punished, and that order may be tane with the said provest for putting him to libertie without a lawfull warrand under the pane of rebellioun, etc., with certificatioun, etc."

Alexander Hay appears before the Council and expresses his regret at having offended his Majesty and any of his officers. See *ante*, p. 25.

"Anent our Soverane Lords letters direct makand mentioun, Forsameekle as Alexander Hay in Leith, having importuned his Majestie by diverse his petitiouns compleaning of wrongs done to him by letters directed from his Majestie to the Lords of Privie Counsell and Sessioun heere, and his Majestie considering how muche it did concerne his Majestie in honnour and justice if anie suche caus had beene givin as

wes falselie pretendit and how farre the saids Lords of Privie Counsell and Sessioun wer interest in these reports if they had found anie such mater to be of truthe, his Majestie was thairfoir pleased to give order to suche of the Counsell as wer with him for the tyme to call the said Alexander before thame and to peruse the extracts of the saids letters by whome it wes found and reported to his Majestie that the said Alexander his complaint proceedit upon a meere calumnie without anie just caus; and thairfoir his Majestie considering how farre suche seditious persons deserve to be punished his Majestie wes pleased to give some directiouns thereanent, quhairof the said Alexander getting notice he absented himself and thairby added contempt of his Majesteis royall auctoritie to his former faults. And anent the charge givin to the said Alexander Hay to have compeired personallie before the Lords of Privie Counsell at ane certane day bygane to have answered to the premises and to have underlyne suche order as sould be tane thereanent under the pane of rebellioun, etc., with certificatioun etc., lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof. Quhilks being callit and the said Alexander Hay compeirand personallie, who being humbled upon his knees exprest his great greefe and sorrow for offending his Majestie or anie of his officiars, and promeist to be more respective of his behaviour and cariage heerafter. With the quhilk declaratioun made be the said Alexander the Lords of Secreit Counsell rested satisfied and content."

Acta July 1629-December 1630. Fol. 262, b.

Fol. 263, a.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 114, b.

Holyrood House, 4th November 1630.

Complaint by Margaret Bruce, spouse to Andrew Dunbar in Nether Blarie, against William Dunbar of Brako and others, who hounded on Alexander Dunbar, son of the said William, to assault the complainer.

Complaint by Margaret Bruce, spouse to Andrew Dunbar in Nether Blarie, and the said Andrew for his interest, as follows:—William Dumbar of Brako, Janet Kinnarde, his spouse, and Patrick Dumbar of Kilboyack, having a deadly hatred against the said Margaret Bruce, and resolving to take her life, in June last hounded out Alexander Dumbar, son of the said William, armed with a "great battoun" to lie in wait for her at some places near her dwelling. Knowing that on the 15th of that month she would be at Kinlosse about her lawful business, they sent the said Alexander to the Mure of Tarrass, "where he lay on his wombe in ane quyet part of the said mure, and, perceaving the honest woman comming by in ane peaceable and quyet maner her alone, he rose out of his lurking hole and, er ever she was awar," pursued her with the said baton, "gave her moe than twentie blae and bloodie straikes on the head, shoulders, armes and other parts of her bodie to the effusion of her blood and perrell of her lyffe," and would have murdered her if Patrick Kinnaird of Covine, happening to come that way at the time, had not succoured her. She has since lain bedfast in great pain and peril for a quarter of a year. Charge having been given to the parties above mentioned as complained upon, and

Decreta, January 1630-February 1631. Fol. 114, b.

also to Alexander Kinnaird of Cowbin, Walter Kinnaird, fiar thereof, William Dumbar, his servant, John Winchester, burgess of Forres, Alexander Watsoun in Nether Blarie, Gilbert Watsoun there, George Bower in Craigmill and John Shireff in Over Blarie, as witnesses, and

Fol. 115, a.

the pursuers compearing but not the defenders nor the witnesses, the Lords ordain them as defaulters to be put to the horn.

Complaint by Robert Maxwell of Dinwoddie against John Johnston of Lochhous, who is at the horn, for non-payment of certain duties to the complainer.

Complaint by Robert Maxwell of Dinwoddie, as follows:—On 14th December 1620 John Johnstoun of Lochhous was put to the horn at the complainer's instance for non-payment of certain duties of the lands of Achroddane, which are part of the complainer's lands of Dinwoddie, from Whitsunday, 1616, to 31st July, 1619, and he still defiantly abides thereat. As the said John Johnstoun fails to compear the Lords ordain letters of caption to be issued against him to the Steward of Annandale and his deputes.

Fol. 115, b.

Supplication by Sir George Home of Manderstoun for continuance of his protection.

Supplication by Sir George Home of Manderstoun setting forth that the protection granted to him for pursuing certain persons "who have practised aganis his lyfe and state by witchecraft" has expired, and "the caus of his protectioun as yitt continewes, and there is ane actioun of divorcement intented aganis him be Dame Helene Arnot, his spouse, and he hes others actiouns before the Lords of Sessioun and others judges quhilks require his attendance." He therefore craves that his protection be extended; and this the Lords grant till 10th December next.

Fol. 116, a.

Complaint by Captain Campbell against Archibald M'Baroun V'Lauchlane and others for resetting certain Highland soldiers who have deserted the complainer's company.

Complaint by Captain William Campbell, as follows:—He undertook the charge of a company of soldiers for the wars of Denmark under Lord Spynie, and having shipped his men in the month of 1628 and supplied them with all things necessary for their transport, about twenty of them, being Hieland men and criminals, dwelling within the bounds of Argyle and Lorne, left the ship and disbandit. He thereupon obtained and caused to be published at the market crosses and parish kirks in Argyle and Lorne letters prohibiting the lieges from resetting these fugitives, notwithstanding whereof the following persons have taken these fugitive soldiers into their service after that they had lurked a while until the departure of the ship, viz.—Sorne M'Dougall is reset by Archibald M'Baroun V'Lauchlane; Donald M'Lauchlane Miller V'Dougall and Angus M'Eane Oig by Dougall M'Dougall of Dinhauche; Duncan M'Eane Finlay and Coull M'Dougall by Sir John M'Dougall of Downnolycht; Nicoll M'Nevin by Alexander M'Dowgall of Toresay; M'Michael by M[r] Duncan M'Alman, minister, John Campbell, brother to the Laird of Parbreck by the Laird of Parbreck; John Roy M'Gregour by Archibald Campbell of Leragne; Malcolm M'Cooke with Neil M'Corquoddell of Phanteillane; and Finlay Boy Camroun and John Roy M'Gregour by Margaret M'Dougall, old Ladie Raray. This conduct has cost the complainer much trouble and expense, and may prove of dangerous

example if these persons be not punished. Charges having been given to the persons complained upon, and none of them compearing, the Lords ordain them to be put to the horn. Decreta, January 1630-February 1631. Fol. 116, a.

Holyrood House, 4th November 1630. Case of John Neil and Elie Nesbit, charged with witchcraft. The "possest woman." The "possest woman's" father-in-law.

"Chargeis aganis the maisteris and landislordis in the Merse for bringing in thair tennentis to beare witnes and to be confronted with Johnne Neill and Elie Nesbitt who ar detenit in prissone for witchecraft." Sederunts, November 1629-January 1635. Fol. 34, b.

"The Lordis ordanis the baillies of the Cannogait to provyde a house for the possest woman betuix and the xv of this instant, whilk he [sic] promeist to do."

"That the Shireff of Berwick be chargeit to bring in the womanis fader in law callit Alexander Andersoun."

Holyrood House, 5th November 1630. Letter of Council summoning a meeting of the Commissioners for Surrenders on 24th November.

After our verie heartilie commendatiouns to your good lordship. Quhereas this late vacance hes produced ane long intermissioun of the ordinarie meitings of the Commissioners for the Surrenders, to the great hinder of that service whiche his Majestie so oft recommendit unto thame, thairfoir we have appointed the xxiiij day of November instant for the nixt meiting of the saids Commissioners heere at Halyrudhous; and we will earnestlie requeist and desire your good lordship to keep this dyet preceislie, to the intent this bussines, quhilk hitherto hes had a small progresse, may be prosecute and followed out to his Majesteis contentment and weale of his subjects; and resting assured of your precise keeping of this dyet we committ your lordship to God. Frome Halyrudhous the fyft of November 1630. *Subscribitur*, Geo. Cancell., Morton, Monteth, Hadinton, Winton, Air, Hamilton. Royal Letters, 1623-33. Fol. 188, b.

Holyrood House, 9th November 1630.

Sederunt—Chancellor; Treasurer; S^{t} Andrews; Privy Seal; Wintoun; Bugcleuche; Seafort; Air; Lord Lorne; Lord Melvill; Bishop of Dumblane; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie. Acta July 1629-December 1630. Fol. 263, a.

Direction to Sir John Scot anent the title of his Majesty—the term "Great Britain" to be avoided.

"Forsameekle as there is ane commissioun ordained to be past and exped under his Majesteis great seale to some speciall and selectit persons of this kingdome for conferring, treating and concluding with the commissioners nominat or to be nominat and authorized be his Majestie under the great seale of England towards ane associatioun and erecting of ane commoun fishing; and whereas this mater is nationall betuix Scotland and England, whilks ar twa free and distinct estats and kingdomes and sould be differenced by thair particular names and not confoundit under the name of Great Britane; and whereas likewayes the great seale of this kingdome in the circumscriptioun thairof beiris the particular names of Scotland, England, France and Ireland, thairfoir the Lords of Secreit Counsell ordains and commands Sir Johne Scot of Scottistarvet, Directour of the Chancellarie, to write the said commissioun in thir termes, *Carolus Dei gratia*

Acta July 1629-December 1630. Fol. 263, a.

Scotiæ, Angliæ, Franciæ, et Hiberniæ rex, fidei defensor, anent the doing whairof the extract of this act sall be unto the said Sir Johne ane warrand."

"The Lords of Secreit Counsell recommends to the Commissioners anent the treatie of associatioun for a commoun fishing with England to represent to our soverane Lord the prejudice whiche this kingdome susteanes by suppressing the name of Scotland in all the infeftments, patents, writts and records thairof passing under his Majesteis name and confounding the same under the name of Great Britane, altho there be no unioun as yitt with England nor the style of Great Britane receaved there, bot all the publict writts and records of that kingdome ar past his Majesteis name as King of England, Scotland, France and Ireland; and thairfoir humbelie to intreate his Majestie to give warrand to his Majesteis Counsell that all infeftments, patents, letters and writts passing heerafter under his Majesteis name be conceaved under the name and style of Scotland, England, France and Ireland, defender of the faith, and that the style of Great Britane be forborne." The Commissioners for the Fishing requested to represent to his Majesty that the term "Great Britain" may be disused in all infeftments, etc., and the expression, "Scotland, England, France, and Ireland" be substituted for it.

Decreta, January 1630-February 1631. Fol. 116, b.

[Sederunt as recorded above with the addition of the President.] Holyrood House, 9th November 1630.

Complaint by Barbara Schaw, sister to the deceased George Schaw of Knockhill, and Thomas Norie, messenger, as follows:—She employed the said Thomas Norie to enforce certain letters of poinding raised by her against the tenants and possessors of the lands of Knockhill, and on 25th last when he had apprised forty sheep and fifteen hogs there for payment of the half of an annuity therefrom in which the said Barbara Fol. 117, a. Schaw was infeft, and was driving them off towards Stirling, as the head burgh of the shire, for their apprising, Mr. John Schaw of , Patrick Cunninghame in , John Hart in Lawheid, William Wilsoun, weaver there, James Drummond, James Campbell, Archibald Campbell, Archibald Littlejohne, John and David Littlejohne, his sons, William Skobie, John Bairdie, and James Fleeming, tenants and servants of the said Mr. John Schaw, and others, all armed with "swords, bandit stalffes, halberts, forkes, and others weapouns invasive," pursued him, and overtaking him between Innerallan and the Bridge of Stirline, gave him "ane nomber of cruell straikes with bandit stalffes on both his hands neere the checkell bones, to the great effusioun of his blood, strake him in at the left side with ane long forke and so birsed and bruised him with bauche and blae straikes on the backe and diverse others parts of his bodie, as he is not yett able to travell." They then violently took the poinded goods from him. Charge having been given to the said persons, and none of them compearing, the Lords after Fol. 117, b. hearing the pursuers and some witnesses produced by them, find the defenders guilty as libelled and ordain them to enter into ward in the

Complaint by Barbara Shaw, sister to the deceased George Shaw of Knockhill, against Mr. John Shaw and others for assault on Thomas Norrie, messenger, who was engaged in legally poinding the goods of the assailant in the interest of the complainer.

tolbooth of Edinburgh within six days, and there remain until released by their Lordships. If they disobey they are to be denounced. Decreta, January 1630-February 1631. Fol. 117, a.

Supplication for protection by John Meldrum in Redhill that he may appear before the Council and clear himself of the charge of being art or part in the burning of Frendraught.

Supplication by John Meldrum in Reidhill, as follows:—He has recently heard, to his great grief, that information has been given to their Lordships that he was an actor or at least accessory to "the fyre raising in the hous of Fendraucht in October last." His name and credit is thus touched "in a point quhilk passes all Christiane consideratioun," so that he craves nothing more earnestly than to be "cleered of that foule and detestable fact." He would therefore "with all willingnesse and readinesse have presented himselfe before the saids Lords without citatioun or charge if he had beene free of other causes quhilk he feares might have troubled him," and he craves their Lordships' protection with respect to these so that he may come and "submitt himselfe to the most exact tryell that the course of law and justice will allow." The Lords, "being carefull to use all possible meanes quhilk may procure a discoverie and tryell of the fact abonewrittin," grant the protection craved till 23rd November, and declare that if on Meldrum's appearance he prove innocent of the crime he will be free to return home at his pleasure. This warrant is to be without prejudice of the commission granted to Lord Gordon, Lord Hay and Sir Robert Gordon for his arrest, which commission also contains a protection to the said John Meldrum from pursuit from all other crimes, upon his rendering himself to the said commissioners or any one of them. Fol. 118, a.

Holyrood House, 9th November 1630.

[The President is added in the Sederunt here.] Sederunts, November 1629-January 1635. Fol. 35, a.

6000 men to be levied for his Majesty's friends in Germany.

"Ane missive frome his Majestie for expeiding to the Marques of Hamiltoun ane commissioun for leveying of sax thousand men towardis the assistance of his Majesteis freindis in Germanie, and ane act past accordinglie."

Bailliary of Kyle Stewart.

"Caprintoun accepted the baillierie of Kyle Steuart."

Holyrood House, 11th November 1630.

Agreement with St. Andrews for its extraordinary taxation.

Act of Council in favour of the burgh of S^{t} Andrewes upon a supplication by the provost and bailies thereof, presented by James Watsone, one of the bailies, who represented their willingness to pay £490 yearly during the four years duration of the taxation as a composition for their extraordinary taxation. This offer the Lords accept, and ordain the petitioners to make and deliver to the Collector or Clerk of the Taxation a note of the names of the burgesses and freemen of S^{t} Andrewes, liable to watch and ward, and contribute to the public affairs of the burgh (See p. 52 *ante*.) Acta July 1629-December 1630. Fol. 263, a.

Holyrood House, 11th November 1630.

[*Sederunt ut die prædicto.*] Decreta, January 1630-February 1631. Fol. 118, a.

Supplication by Katharine Chrystie in Dysert as follows:—Their

Decreta, January 1630-February 1631. Fol. 118, a.

Lordships know "what heavie trouble, greefe and displeasure she hes susteanned thir diverse yeeres bygane by the malicious and unjust imputatioun of the cryme of witchcraft objected aganis her be her unfriends, who seekes for nothing bot her disgrace without anie purpose at all to putt her to are lawfull tryell." Their Lordships have been frequently troubled with this matter and for terminating it they thought good to send over the Justice Depute to examine her. This he has done and she refers their Lordships to his report therein. It having been represented to the said Justice Depute that so long as the suppli- cant was out of ward, no depositions nor complaints would be procurable against her, he on 15th August committed her to prison where she has since remained in great distress, and all this time no complaint has been given in against her. From this their Lordships may see how far she is wronged by the malice of her enemies. She is content to find caution to compear for her trial before the Justice on a lawful summons, and therefore craves to be put to liberty. The Lords ordain the bailies of Dysert to put her to liberty on giving caution as above in 2000 merks.

Supplication by Katharine Christie that she may be released from ward in the Tolbooth of Dysart, where she is illegally kept on a charge of witchcraft. See Index to Vols. II. and III., Second Series.

Fol. 118, b.

Supplication by John Stewart of Coldingham for continuance of protection that he may satisfy his creditors.

Supplication by John Stewart of Coldinghame, as follows:—Their Lordships granted their protection for his coming to Edinburgh and settling the accounts of the intromissions with his estate by Robert Douglas of Blaikester and Alexander Cranstoun of Morestoun. Since then they have gone over three years' accounts, and only those of other two years remain; but they cannot be dealt with save in Edinburgh and at the sight of their agents. He therefore craves an extension of his protection. This the Lords grant till 25th December next.

Acta July 1629-December 1630. Fol. 263, b.

Holyrood House, 16th November 1630.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Seafort; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Melvill; Clerk of Register; Advocate.

Fol. 264, a.

Postponement of the diet appointed for the trial of John Gibson in Crawfurd, in connection with the assythment for the slaughter of the late James Tennent by the said John Gibson.

"Forsameekle as the dyet formerlie appointed to Johne Gibsone in Crawfurde for his tryell before the Justice anent the slauchter of umquhill James Tennent in being upon considerable respects and in hope of agreement continewed be the Lords of his Maiesteis Secreit Counsell to the sevinteene of this instant, and the saids Lords understanding that the slaughter foresaid and assythement and redresse to be made and givin thairfoir hath beene since submitted to some honnourable persouns, judges arbitratours chosin be either of the saids persouns, and who accordinglie have givin furth thair decreit and sentence thairintill, whiche becaus the said Johne Gibsone being bot a poore man is not able of himselfe to fulfill without the helpe and concurrence of his freinds and suche others as he may move to contribute in this earand towards his releefe; thairfoir and for the better and more effectuall accommodating and final sattling of this bussines the saids Lords ordains and commands his Majesteis Justice, Justice Clerk

and thair deputs to continew the dyet appointed before thame for tryell of the said Johne Gibsone in the mater foresaid untill the tent day of December nixtocome, discharging thame of all proceeding aganis him in the meane tyme and of thair offices in that part whill the said tent day of December nixt, quhereanent the extract of this act sall be unto the said Justice, Justice Clerk and thair deputs ane sufficient warrand." Acta July 1629-December 1630. Fol. 264, a.

Charge to the Sheriff of Berwick and his deputes to deliver to the magistrates of Edinburgh, for consignment to their Tolbooth, John Nisbet and others, who are accused of manslaughter.

"Forsameekle as it is understand to the Lords of Privie Counsell that latelie upon the day of November instant Johne Nisbet in Powtomylne, Williame and James Nisbits, his sonnes, David Nisbit, his brother sonne, fiercelie and cruellie sett upon Alexander Home, sonne naturall to the Laird of Blacader, and persewed him of his lyfe with drawin swords, gave him ane cruell and deidlie wound upon the head, gave him another wound upon his left hand whairwith they have strickin aff the twa formost joynts of his first twa fingers of his said left hand, and left him lying for deid: And whereas umquhill Williame Wilsoun, reader and schoolemaister in Dunce, come in to red the saids parteis, the saids Johne, Williame, Thomas and David Nisbits cruellie and unmercifullie slew the poore harmelesse man by diverse deidlie wounds whilks they gave him on the head, and they were tane with the bloodie hand and committed to waird in the tolbuith of Dunce where they now remaine. And whereas this cruell and mercilesse slaughter committed upon ane poore and harmelesse man be so manie persouns deserves exemplar tryell and punishement, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the Shireff of Berwick and his deputs to bring the saids Johne, Williame, Thomas and David Nisbits harmelesse and saulfe to the burgh of Edinburgh, and to delyver thame to the provest and bailleis thairof to be committed be thame to waird in thair tolbuith, thairin to remaine upon thair awne expenses ay and whill justice be ministrat upon thame for the said slaughter conforme to the lawes of this kingdome, within three dayes nixt after the said shireff and his deputs beis charged thairto, under the pane of rebellioun etc.: And to command the saids provest and bailleis of Edinburgh to receave the saids foure Nisbits fra the said Shireff of Berwick and his deputs within three houres nixt after they sall be presentit be the saids shireff and his deputs to thame, and to committ thame to waird in thair tolbuith and to keepe and deteane thame thairin upon thair awne expenses in maner foresaid, under the pane of rebellioun, etc., with certificatioun to thame or suche of thame as failyeis or does in the contrair that letters sall be direct to denunce thame, etc."

[Sederunt as recorded above.]

Holyrood House, 16th November 1630.

Supplication by Sir John Charteris, Sheriff of

Decreta, January 1630-February 1631 Fol. 119, a.

Supplication by Sir John Charters of Amisfeild, Sheriff principal of Dumfreis, as follows:—Agnes Kay, spouse of the deceased William Gumpsie, cordiner, burgess of Dumfreis, on 9th November instant,

Decreta, January 1630-February 1631. Fol. 119, a.

slew her said husband "by ane straike on the bellie with his awin whinger quhilk she drew frome his belt," of which stroke he died within an hour or two thereafter. She was taken by the Sheriff deputes "with the bloodie hand," and having been tried and convicted by an assize, doom was about to be pronounced, when Mr. Thomas Ramsay, minister at Dumfreis, interposed and earnestly intreated "for ane short continuatioun of the doome becaus she wes distracted and prayed for publictlie in the kirk this yeere bygane or thairby, and he wes to deale with her and to draw her to ane more calme and sattled dispositioun and to embrace her death with that Christiane resolutioun quhilk wes fitting." To this desire the said deputes yielded, "being glade to doe anie thing that might bring the poore creature to a trew sense and feeling of her sinne." Now the time of the Sheriff's privilege has passed, and he is informed that he cannot pronounce sentence upon the said Agnes for this slaughter without their Lordships' warrant, and this he accordingly craves. The Lords grant warrant to the said Sheriff and his deputes to pronounce doom upon the said Agnes Kay for the slaughter foresaid conform to the conviction and to cause justice be administered upon her accordingly.

Dumfries, for a warrant to pronounce judgment of death on Agnes Kay, who had murdered her husband. The reason for this special supplication is given.

Fol. 138, a.

Complaint by Adam Abircrombie of Auldrayne, as follows:—After many disgraceful indignities and oppressions committed by George Gordon of Newton upon him for which he cited the said George before their Lordships, and the case having been dealt with on the 15th instant, he expected that during the dependance of this action the said George would have forborne all other violent and indirect dealings against him. Yet he finds that as soon as he came to Edinburgh he made search in the Register of Hornings, and having found an old horning executed against the complainer at the instance of Agnes

Fol. 138, b.

Calder, widow of John Andersoun of Bonytoun, the said George, without her consent, raised letters of caption thereupon, for the sole purpose of disgracing and troubling him. Yesternight after they had been heard before their Lordships, the said George between 9 and 10 o'clock, accompanied by George Dempster, John Schand and Stevin Paxtoun, his servants, John Chalmer, messenger, Patrick Chalmer, his son-in-law, James Duncan in Auldrayne, Hew Gordoun and John Turnour, servitors to Sir Alexander Gordon of Cluny, James Drysdaill, George Young and John Baxter, town officers, came to the complainer as he was walking upon the street of Edinburgh, and before he was aware "they all violentlie rushed upon him, harled him to and fra a lang tyme, drugging and drawing him up and doun the streit, disgracefullie buffeted him upon the head and others parts of his bodie and preast to have harled him to the tolbuith. And the compleaner, mervelling upon what occasioun thir people so insolentlie wronged him and having modestlie demanded of thame the caus of thair insolent behaviour, they seemed to cleere thameselffes be the captioun foresaid

[This Act omitted at its proper date in the Register.] Complaint by Adam Abercromby of Auldearn against George Gordon of Newton for illegal caption.

proceeding upon the horning abovementiouned; quhilk horning and all that followed thairupoun the compleaner upoun reall satisfactioun made to the partie suspendit in the 1627 yeere of God; and having by meere accidente this suspensioun upon him with the acquittances of the partie, he shew the same to the persouns foresaids" who refused to acknowledge them and continued their abuse. Charge having been given to these persons and the pursuer compearing and also the defenders, the Lords assoilzie them, because the complainer for probation referred to the defenders' oaths of verity, and the said George Gordon denied the raising of the said caption, while the said James Drysdaill and George Young declared that bailie of Edinburgh, having been charged in virtue of letters of caption by Chalmers, messenger, to apprehend the pursuer, and being commanded by the said bailie to assist the messenger in the execution of their office, they did arrest the pursuer, but immediately on being shown the suspension, they dismissed him without further trouble.

Decreta, January 1630-February 1631. Fol. 138, b.

Fol. 139, a.

Holyrood House, 16th November 1630. Complaint by Adam Abercromby of Auldrayne and others against George Gordon of Newton and others for wearing hagbuts and threatening the complainers with assault.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Advocate, and by Adam Abircrombie of Auldrayne, John Leith of Harthill and George Leith of Threefeild, as follows:—Though the wearing of hagbuts and pistols has been often prohibited by the lawes, yet George Gordoun of Newtoun, after committing many insolences against the complainers, understanding that they were on September last to be at the Kirk of Kemnay attending there the ministers of the presbytery of Garioch, assembled together George and Alexander Dempster, James Gordoun, John Mitchell, Stevin Paxtoun and William Skatertie, his servants, John Gordoun of Rotmes, John Leslie of Sheillisgreene, Patrick Gordoun of Glanderstoun and John Leslie of Flinder, armed with swords and other weapons and the prohibited hagbuts and pistols, and lay in wait for them in the highway to have taken their lives "crying aloud in the hearing of all that come by—Lord, if we had anie sight of them"; and they daily go and ride about thus armed for the slaughter of the complainers. Charge having been given to the said George Gordoun of Newtoun, and he compearing, and the Advocate and Adam Abircrombie also compearing, and probation being referred to the defender's oath of verity, who confessed the carrying of the said firearms, the Lords ordain him to pay a fine of 300 merks before Saturday next to the Treasurer, &c., and also that he and Adam Abircrombie find caution for each other's immunity, Gordoun in £1000, and Abircrombie in 1000 merks, and that they will not in future bear firearms. Follows the act of caution to this effect by Patrick Gordoun, brother to Sir Alexander Gordoun of Cluny, for George Gordoun of Newtoun, which, so far as respects lawburrows, includes the other complainers and their families, this being but a temporary bond till a formal bond is drawn up and lodged for registration in the books of Council before December next.

Fines, 1614-31. Fol. 134, a.

Fol. 134, b.

Fol. 135, a.

Sederunt, November 1629-January 1635. Fol. 35, a. Fol. 35, b.

"The Lordis ordanis ane warrand to be past for putting who is accused criminallie for B. againe to libertie furth of the tolbuithe to the intent he may mak his publict repentance for the scandall and offence gevin by him thairthrow to the Church, he acting himselff to re-enter his persoun in ward quhenever he sall be lawfullie chargeit to that effect, and in the meane tyme that he sall not frequent nor cohabite with the said his pretendit spous, bot sall divert and forbeare all conversing with hir in tyme comeing under the pane of ." Holyrood House, 16th November 1630. Case of cohabiting.

"The Lordis continewis the consideratioun of the overtour concerning the remedie propounded for restreaning the forder inbringing of dolours within this kingdome till Thuirsday nixt; the Generall, maisteris and officiaris of the Cunyiehous, being personalie present, ar warnit *apud acta;* and ordanis the commissioneris for the Burrowis who ar present in the toun or the Clerk of the Burrowis to be certifyed of the said dyet." Anent the importation of foreign dollars.

"The quhilk day the Lord Admirall tooke this day eyght dayes to produce the proces anent the salt ship of Caleis." The salt ship of Calais.

"A warrand to the Shireff of Dumfreis to pronunce dome upon Kay in Dumfreis for the slaughter of hir husband." Agnes Kay. See *ante*, p. 60.

Acta July 1629-December 1630. Fol. 264, b.

Sederunt—Chancellor; Treasurer; S[t] Andrewes; President; Privy Seal; Wintoun; Linlithgow; Seafort; Bishop of Dunkeld; Bishop of Dumblane; Lord Melvill; Sir Archibald Achesone; Clerk of Register; Advocate. Holyrood House, 18th November 1630.

"The whilk day Johne Achesone, generall of the Cunziehous, gave in some overtures in writt for remedying the prejudice and abuse of the course in forrane dollours. The Lords ordains ane copie of the Articles to be givin to M[r]. Alexander Guthrie in name of the Burrowes and thame to report to the Counsell thair advice and judgement concerning the same upon the first Counsell day of Marche nixt. Followes the tennour of the overtures:— Proposals by John Acheson, general of the Mint, for reforming the currency.

> Informatioun anent the present state of the money within the kingdome of Scotland by John Achesone, Generall of your Majesteis Cunyiehous.

It may please your Majestie understand that the onelie abuse and misgovernement of the estate of the money within Scotland wes bred by giving course to forraine moneyes by the peece abone the rait of your Hienes awne money, whilk aucht onelie to have course be the unce weight to be sett doun be your Majesteis Counsell according to the weight and fynnesse of the pryce of the unce, the deneir and the grane, whairby the lieges may not be deceaved, whilk aucht to be sett furth in print upon ane table within the Cunziehous as wes done in your Hienes fathers tyme the nynt day of Marche, j[m]vj[c] and nynetene yeeres, and

lykewayes by laike of punishement upon the transporters of your Majesteis awne moneyes and importing of infinite sorts of dollours, whairof the lieges nather knowes weight nor fynnesse nor the worth thairof, to thair great prejudice. Acts July 1629-December 1630. Fol. 264, b.

For remeid whairof may it please your Hienes to caus the basest sort of the dollours under the fynnesse of the rex dollour to be converted into small money to have course for exchange onelie within your kingdome of Scotland as the countreis of France, Flanders and Germanie does; as lykewayes in the raigne of the Queene Regent and Queene Marie, your Majesteis grandmother, there wes coyned twelfepennie and saxpennie peeces, quhilks would now correspond to pennie and halfe-penneis sterline, besides manie baser sorts of monie, whairby your Hienes may have some benefite and your lieges weill served; and also to convert the rex dollours in your Majesteis awne coyne in the same weight and fynnesse they ar of for making commerce with the Easterne countreis, for performing whairof lett the fynes of the highters and transporters of your Hienes awne moneyes pay for the coynage. Quhereanent if your Majestie will be pleased to give commissioun to ane or twa of your Hienes Counsell with my concurse to try the same I sall be readie to give my best advice and furtherance for that effect. And concerning the billioun, lett the same have course with the standart of England conforme to the unioun of your Majesteis moneyes, to have course betuix England and Scotland, and for that effect to lett the Booke of Raites be doubled and to be payed in forraine silver plaitt or money of ellevin deneirs fyne at suche pryces as your Hienes Counsell sall appoint. Bot lett never your Majestie thinke that your Hienes can keepe moneyes within Scotland without severe and strait punishement, as I have sett doun particularlie in ane Informatioun to your Majesteis Counsell. For conclusioun, if this project be not found expedient, there is no other way to my knowledge bot onelie to conforme your Hienes awne moneyes to the rait of the gold now current, or ellis to diminishe the same ather in weight or in fynenesse, quhereanent your Hienes would doe weill to heare the advice of the cheefe officiars of your Majesteis Mynt in England, and in the meane tyme to prohibite the highting of the forraine moneyes under the pane of treasoun, the rather in regarde they ar alreadie higher nor your Hienes awne coyne." Fol. 265, a.

Order to James Crichton, Commissary-Clerk of Dunkeld, to appear before the Council on the charge of having opened a letter of his Majesty to the Earl of Monteith, with which the said James had been entrusted.

"Forsameekle as Crichtoun, Commissar Clerk of Dunkelden, being intrusted with the carying and homebringing of ane closse missive under his Majesteis hand and cashett directed frome his Majestie to the Earle of Monteith, president of his Majesteis Counsell, the said Crichtoun not onelie most malapertlie and presumptuouslie openned and disclosed his Majesteis letter and so acquainted himselfe with the contents thairof, bot with that he most falselie and mischantlie invented and forged directiouns as comming frome the said Erle of Monteth to the Clerk depute of his Majesteis Justiciarie and abusing the said clerk

Acta July 1629-December 1630. Fol. 265, a.

with these false directions purchast frome him letters in a mater formerlie forbiddin; for the quhilk malapert presumptioun and fals abusing of the said Erle of Monteth his name in a mater never heard of nor knowne be him the said Crichtoun aucht to be exemplarlie punished to the terrour of others to committ the lyke; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Crichtoun to compeir personallie before the saids Lords upon the saxt day of December nixtocome to answere to the premises and to underly suche order as sall be tane thereanent under the pane of rebellioun, etc., with certificatioun, etc."

Letter from his Majesty anent the reforming of the Tax Rolls.

"The whilk day the missive letter underwrittin signed be the King's Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we ar informed that untill our late deere fathers last being in that our kingdome all summes formerlie grantit unto him or anie of his predecessours by the Estats of our said kingdome were so dewlie apportioned amongst thame frome tyme to tyme past memorie of man by the mutuall consent of all the Estats and by suche way of associatioun as the ecclesiasticall lands and benefices payed the one halfe of the saids taxatiouns and the noblemen barons and freehalders of the Crowne, two

Fol. 265, b.

thrid parts of the other halfe and the regall burrowes the other thrid of the said halfe (being the sixt part of the whole taxatioun) conforme to the Act of Parliament, lawes and practique of the said kingdome inviolablie observed untill the last two taxatiouns, whairin the taxt rollis than suddanelie made did minister some cullour to the benefices and burrowes to account for lesse than thair dew proportioun and lesse than wes taxed and collected frome the severall vassallis and burgesses of the saids benefices and burrowes. And in regarde the said disproportioun wes complained upon by our Sollicitour, M^r^ Williame Haig, unto whome we did latelie grant ane commissioun for discoverie thairof in the saids two last taxatiouns, and we being verie desyrous to have that errour (if anie be) mended and prevented for the tyme to come, and in suche convenient maner as nane of our particular subjects may have anie just occasioun to thinke that ather we ar frustrated of thair benevolence graunted or they disproportiouned in the divisioun thairof contrairie to the former ancient custome, lawes and practique of the said kingdome, our pleasure thairfore is, and we doe heirby authorize, will and require yow to advert seriouslie unto the making of the taxt roll of this present taxatioun and so in equitie to proportioun the same as (respect being had to the pund lands) the burrowes may be taxed to no more nor the sixt part of the whole, and the benefices to no more nor the halfe of the whole, as the continuall custome wes in payment of all former taxations

of definite soumes; as also that yow have a care that the particular benefices and vassals thairof and the particular burgesses and inhabitants of burrowes be taxed to no more then according to the quantitie of thair free rent and free geir respectivelie conforme to the tennour of the Act of Parliament, and that the saids soumes so to be leveyed or payed in name of taxatioun may be dewlie accounted for to our use; all whiche recommending to your speciall care and diligence, we bid yow heartilie fareweill. Frome our honnour at Hamptoun Court, the tent day of October, 1530. Quhilk letter being heard and considderit be the saids Lords and they advised thairwith, the Lords of Secreit Counsell continewes thair resolutioun upon the mater till the douncomming of M^r^ Williame Haig who hes made the overture to his Majestie and hes undertakin the prosecutioun thairof; and in the meane tyme ordains the taxt rollis to be exhibite to the Advocat to the intent he may conferre the same with the Act of Convention whiche is the warrand and rule of the distributioun thairof."

Acta July 1629-December 1630. Fol. 265, b.

[Sederunt as recorded above.]

Holyrood House, 18th November 1630. Supplication by John Blair of Pittendreich and others that the diet against them for the death of John Barns may be deserted.

Decreta, January 1630-February 1631. Fol. 119, b.

Supplication by John Blair of Pittindreich, William Blair, his son, William Rid in Pittindreich, Richard Thomesone there, David Turnbull there, Robert Edward there, James Soutar there, John Andersone there, Robert Ireland there, James Carmichael in Reidgothins and William Mayne there, as follows:—They were recently charged at the instance of Margaret, Elspet, Jean and Barbara Barns, as sisters, and the remanent kin and friends of the deceased John Barns, to find caution in the Books of Adjournal for compearing before the Justice and his deputs in the tolbooth of Edinburgh upon 8th December next, to answer for the slaughter of the said John Barns, and for testifying of their innocence thereof they found the said caution. But they plead that if the circumstances of that slaughter be considered it will be found that the petitioners cannot justly be chargeable. The said John Barns in January, 1626, came with a number of accomplices all armed to the dwelling-house of Barbara Scrimgeour, widow of David Moncur of Reget Denis, "under cloud and silence of night betuix ten and ellevin of the clocke when she wes in a sober maner going to her bed, and they entering within her hous in a barbarous and uncivill maner, they putt violent hands on her persoun, she being in a maner naiked, her cloathes being louse and cassin aff, and she having nather hoise nor shoes upon her feit and they hurled her perforce out of her hous kaist her on horseback behind the said umquhill John Barns and band her with towells and tedders fast to him so as she could by no meanes win aff the hors; quhairupon the shoute and fray being rissin in the countrie and at last comming to the supplicants eares, they out of ane haitrait and detestatioun of that barbarous fact, raise and followed, and with the hazard and

Fol. 120, a.

Decreta, January 1630-February 1631. Fol. 120, a.

perrell of thair lyfes releeved the poore distrest woman readie to have beene overcome and beene defyled according to the filthie humour and lust of the said John; and he and his complices in maintenance of that foule actioun opposed thameselffes by thair haill strenth and might aganis the saids supplicants and cruellie invadit and persewed thame of thair lyfes and in the rancounter the said umquhill Johne gott a straike upon the head with ane tree be one of his owne companie, as the compleaners ar verie confident, of the quhilk straike he departed this lyfe." Further when the matter was brought before their Lordships at the instance of the said Barbara Scrimgeour, "the rapt and ravishing foresaid wes cleerelie verified and provin aganis Alexander Scrimgeour, James Moncreiff and Williame Blaikie, who wer all present with the said umquhill Johne Barns and assisted and tooke part with him in that violent and unlawful deid." When the party perceived that this action was likely to prejudge their intended pursuit of the petitioners, they about March 1626 raised criminal letters against them for their compearance before the Justice on 22d March, of which when their Lordships heard they took cognisance, and ordered the Justice to desert that diet, and to direct no new letters against the supplicants in that matter as an Act of Adjournal extracted from the Books of Justiciary shown to their Fol. 120, b. Lordships proves. The petitioners therefore crave their Lordships to ordain the Justice, the Justice Clerk and his deputes, to desert the foresaid diet against them; and this the Lords do, and direct the Justice Clerk and his deputes not to issue any more criminall letters in this case against the petitioners.

Complaint by George Abercromby in Inverness against James Gordon of Letterfourie, sheriff and bailie under the Marquis of Huntly, for illegal conduct in his office.

Complaint by George Abircrombie, burgess of Inverness, as follows:— James Gordoun of Letterfoure, being sheriff and bailie under the Marquis of Huntlie and Lord Gordoun, his son, Sheriff principal of Inverness, over their lands of Badenoch, during his bailiary "committed manie great abuses and bold and high contempts of justice." For instance, Duncan M'Ildowie V'Kinlay in Dunnachtan moir, denounced for the murder of Ewin M'Ewin Braber there, Thomas M'Connochie, fugitive from justice for the murder of Ferquhar Moir in Innercromane, Fol. 121, a. and Callum Bayne, Alaster Over and Robert Moir, three common and notorious thieves, reivers, sorners and oppressors, being all in his power, and juries being empannelled upon some of them, yet he let them all, and also a number of other thieves, murderers and oppressors, who likewise were in his hands, go free instead of executing justice upon them as the duty of his office required. Further the said James is an avowed and excommunicated Papist, and, hating the complainer because he was a professor of the true religion and opposed to "his indirect policeis for establishing of poperie within Badzenoch," violently and illegally thrust him out of his possession. Some notice of this having been given to his Majesty, the King has recommended to the Lords the trial and censure of the said James. He being charged to compear, and

the pursuer compearing personally and the defender by Robert Gordoun of Belownie, his brother and agent, the Lords find it proven that upon "some pactioun and compositioun" between him and his prisoner the said James did set Duncan M°Ildowie at liberty, after he was taken "rid hand" for the slaughter of Ewin M°Ewin Braber, and delivered into his custody as bailie foresaid and placed in ward in the Castle of Rivens; also that Thomas M°Connochie and John Oig, being at the horn for the murder of Farquhar Moir in Innercrombe, the said Thomas is suffered to dwell peaceably in the country and upon the slain man's estate, which he now possesses; further that Callum Bayne, Alaster Over and Robert Moir, three common thieves, who were frequently warded by the said James Gordoun for various crimes, were afterwards set at liberty by him upon a composition and giving caution, after which the said Alaster was again apprehended and again set at liberty, and the said Callum Bayne was sent to the wars, by which means their just trial and punishment were evaded. They find that the said James Gordon has thus greatly abused his office of a judge and magistrate, "and hes not discharged that dewtie quhilk became ane gentleman of his birth and persoun authorized with auctoritie and jurisdictioun in the countrie," and they ordain him to enter in ward in the tolbooth of Edinburgh within fifteen days, and there remain until suitable order be taken with him in this matter.

Decreta, January 1630-February 1631. Fol. 121, a.

Fol. 121, b.

Holyrood House, 18th November 1630. Ragwell Bennett and William Rutherford.

"The Lordis ordanis ane letter to be writtin to Sir James Ker and Bonjedburgh desiring to acquent the Counsell quhat wes proceedit or determined be thame in the differenceis submittit unto thame be Raguell Bennett and Williame Rutherfoorde."

Sederunts, November 1629-January 1635. Fol. 36, a.

The rental of Lewis.

"The quhilk day the Earle of Seaforte produceit ane rentall of the Lewis whiche wes gevin up againe to be reformed."

Holyrood House, 19th November 1630. Letter to the Laird of Bonjedburgh and Sir James Ker of Crailing anent the differences between Ragwell Bennett and William Rutherford.

"After our verie heartilie commendatiouns. We wrote to yow of before concerning the differences betuix Ragwell Bennet of Chesters and Williame Rutherfurde, sonne to umquhill William Rutherfurde, callit of Rawflatt, Barbara Buchane, relict of the said umquhill Williame, and Thomas Broun, now her spous, quhilks wer submitted judiciallie unto yow in presence of his Majesteis Counsell, and we earnestly recommendit unto yow the taking of tryell and cognitioun of the said differences and to decerne and determine thairin accordinglie, and we looked to have heard some report of your proceedings and diligence heerin; bot as yitt we have heard nothing concerning that mater, quhilk hes moved the parteis interest to have recourse unto us of new for justice upon the first ground of thair complaint persewed before us. And thairfoir these ar to requeist and desire yow to acquaint us with the first convenient occasioun how farre yow have proceedit in that bussines and how the same hes rested and beene delayed, and if there be nothing as yitt done thairin that yow would yitt use your bestendeavoures to sattle the parteis

Royal Letters, 1623-33. Fol. 188, b.

Royal Letters, 1623-33. Fol. 188, b.

and to bring thair bussines to some good conclusioun. Quhilk looking assuredlie yow will doe we committ yow to God. Frome Halyrudhouse, the nynetene day of November 1630. *Subscribitur*, Geo. Cancell., Morton, Monteth, Hadintoun, Wintoun, Arch. Achesone, Hamiltoun."

Acta July 1629-December 1630. Fol. 265, b.

Sederunt—Chancellor; Treasurer; President; Privy Seal; Seafort; Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord Tracquair; Secretary; Clerk of Register; Advocate. Holyrood House, 23rd November 1630.

Letter of his Majesty anent the founding of a College of Physicians.

Fol. 266, a.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Whereas by the within petitioun we ar informed of the manie abuses committed in that our kingdome by the commoun sort of practisers in physick, and we being most willing the same be amended by the corporatioun mentiouned in the petitioun or by some suche other lawfull way as yow sall thinke fitting for the credite of that our kingdome and the good of our subjects there, our pleasure thairfoir is that yow take the said petitioun into your serious consideratioun and proceed thairin as yow in your judgements sall thinke fitting for encourageing of learning and restrayning of abuses in the said professioun and practise of physick, and when your opinioun therein sall be certified unto us we will be the more readie to authorize and establishe what yow sall devise in that kynde; and for that effect we desire yow to require our Advocat to draw and docquet ane signature fitt for our hand; and so recommending this bussines to your speciall care we bid yow fareweill. Givin at Hamptoun Court the secund day of October 1630. Quhilk letter being heard and considderit be the saids Lords, they ordaine Doctour Jollie, Doctour Sibbald, Doctour Andersone, and Doctour M^cGill to sett doun certane articles tuicheing the institutioun of thair Colledge and to report to the Counsell with convenient diligence."

Decreta, Jannary 1630-February 1631. Fol. 121, b.

[Sederunt as recorded above.] Holyrood House, 23rd November 1630.

Fol. 122, a.

Complaint by George Home of Bassindene and Jean Seatoun, his spouse, as follows:—In terms of the proclamation by their Lordships as to the leading of teinds he directed his said spouse "(being heavilie diseased himselfe)" with some of his servants on October last to go to the lands of Derington in the parish of Gordoun, and lead the teinds thereof, as he has been in the habit of doing for several years past. This his said spouse and servants did, and had stacked the teinds upon the ground of the said lands, when Robert Edzer of

Complaint by George Home of Bassindene against Robert Edgar of Wedderlie and others for assaulting the wife of the complainer while she was engaged in

lifting the teinds of the lands of Derrington, to which the complainer affirms he has the legal right.

Wedderlie, accompanied by John and William Edzer, his sons, and Robert Douglas, John Hinde, and John Nisbitt, their servants, and others, armed with swords, staves and other weapons, came and violently meddled with the said teinds and assaulted his wife and servants. "The said Robert Edzer shamfullie tooke the said Jeane be the mouth, cruellie wrang the same about so as the blood gushed furth both at the mouth and nose in great quantitie, and than barbarouslie slang the gentlewoman among his horse feit, raid over her with his hors," and thereafter carried off the said teinds to the barnyard of Wedderlie. Charge having been given to the persons complained upon and the pursuers compearing, but of the defenders only John and William Edzer, and several witnesses having been examined, the Lords assoilzie the defenders from the complaint, as the witnesses failed to prove any part of it against them. Decreta, January 1361-February 1630. Fol. 122, a. Fol. 122, b.

Supplication by Patrick, Lord Lindores, for protection that he may come to Edinburgh on legal business.

Supplication by Patrick, Lord Lindores, as follows:—The Lords of Exchecker have appointed the 3rd of December for dealing with his petition anent the gift purchased from his Majesty of the lordship of Lundores to his hurt and prejudice, and as he cannot come to Edinburgh either to consult his agents or appear before the said Lords on account of some civil hornings under which he lies, he craves their Lordships' protection. This they grant until 18th December next.

Complaint by James Whitehead in Currie against William Bishop in Currie and Elizabeth Ramsay, his spouse, for illegal warding in the Tolbooth of Edinburgh.

Complaint by James Quhytheid in Currie, as follows:—William Bishop in Currie and Elizabeth Ramsay, his spouse, having put him to the horn for not compearing before the Council to answer to their complaint of his "breaking up of ane hous in Currie perteaning to thame," thereupon purchased letters of caption, by virtue of which about six weeks ago they warded him in the tolbooth of Edinburgh, where he has since remained in great misery. The house, he says, in which he possessed himself as alleged, "is his awne proper heritage," of which his prosecutors are only wadsetters for a small sum of money, and by reason "of ane great spait of water whilk come doun upon the hous where he dwelt in the moneth of last and wes lykelie to have drownned him and his familie, he wes forced to enter within the hous foresaid whilk wes waist," and he afterwards agreed with his prosecutors to pay them a certain rent for the same from Whitsunday last to Martinmas now past. But they circumvented him and put him to the horn, and now intend to undo him and his ten children for whom he cannot labour, being thus kept in ward. Both pursuer and defenders compearing and being heard, the Lords ordain James Quhytheid to enact himself to remove himself and his wife and family from the said house at Whitsunday next under a penalty of 1000 marks, and also in a like sum for the safety of the said William Bishop and William Bishop, his son; and they ordain the provost and bailies of Edinburgh to set him at liberty. Follows the Act whereby James Quhytheid obliges himself in terms of the above deliverance. Fol. 123, a.

Acta July 1629-December 1630. Fol. 266, a.

Sederunt—Chancellor; Treasurer; President; Privy Seal; Linlithgow; Wigtoun; Lauderdaill; Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord Carnegie; Lord Tracquair; Secretary; Clerk of Register; Advocate; Sir James Baillie. Holyrood House, 25th November 1630.

"The Lords of Secreit Counsell, according to ane warrand and directioun in writt, signed be the Kings Majestie and this day presented unto thame, gives and grants licence to Doctour Williame Leslie to returne to this kingdome and to remaine within the same and to attend upon the Marqueis of Huntlie to administer physick unto him, whois judgement in maters of that kynde the said Marqueis does onelie trust, without pane or danger to be incurred be the said Doctour thairthrow in his person or goods notwithstanding whatsomever acts made in the contrair, quhereanent the saids Lords dispenses be thir presents, provyding alwayes that the said Doctour Williame behave himselfe modestlie without giving offence or scandall in maters concerning the religioun, quhairin if he failyie and after tryell takin thairof this present licence to be null and of nane effect thereafter. Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas Williame Leslie, physician to our darrest consort the Quene, wes actit before yow to depart that our kingdome and not to returne thairunto without a particular licence from us, quhairin we doe approve the good order observed by yow, and though he hath beene ane humble suter to us to have licence to returne againe for some tyme to give order for his effaires there, yitt we would not hearken thairunto; bot understanding by the late lamentable accident tuicheing the death of the Viscount Melghame,[1] the death conceaved by his father, to whom (as we ar lykewayes informed) the said M^r^ Williame doeth administer physick and whose judgement in maters of that nature he doeth onelie trust; and now being willing to omitt no occasioun that lyeth in us to confort him at this tyme, our pleasure is that yow give order that the said M^r^ Williame be permitted to stay within that our kingdome till our farther pleasure be knowne, he giving no scandall to the Church bot behaving himselfe modestlie and quyetlie in all maters tuicheing religioun. We bid yow heartilie fareweill. Frome our Court at Whitehall the eight day of November 1630." Licence to Dr. William Leslie to return to Scotland to act as physician to the Marquis of Huntly.

Fol. 266, b.

"The whilk day M^r^ Williame Haig gave in his reasouns and rule for regulating the taxt rollis of the taxatiouns, whilk the Lords after hearing of the parteis interest will take to thair consideratioun and give answere thairunto upon Tuisday nixt." The tax-rolls. See *ante*, p. 65.

[1] Viscount Melgum was one of those who perished in the burning of Frendraught.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 123, b.

Holyrood House, 25th November 1630. Supplication by Sir John Home of Blackadder that he may be allowed to intercommune with Sir James Home of Eccles.

Supplication by Sir Johne Home of Blacader, Sheriff-principal of Berwick, as follows:—He is troubled daily with charges for the apprehension of Sir James Home of Eckillis "and for not intercommoning with him, whilk is ane mater verie hard to the said supplicant in respect he is ingadged as cautioner for him in great soumes of money bot can gett no meanes of releefe thairof unlesse he be warranted to deale with him, seing he is now of intention to dispose upon his estait for that purpose." He therefore craves that their Lordships will grant him their warrant to intercommune with Sir James Home for some time for this purpose. The Lords grant him liberty to do so till 8th January next. Fol. 124, a.

Supplication by Alexander Leslie and others that they may receive protection to appear before the Council anent the burning of Frendraught.

Supplication by Alexander Leslie, brother to John Leslie, elder of Pitcaple, John Meldrum in Reidhall, Robert Wilsoun in Dykeside of Auchterles, and Robert Ridfurde in Meikle Warthill, as follows:—They are charged at the instance of the Laird of Fendraucht to appear for trial before the Justice "for the treasonable burning of the hous of Fendraucht," and they are now come to this burgh and are ready to offer themselves for trial on this charge if their Lordships will secure them against arrest for any other cause. The Lords grant them the protection craved until 20th December next, upon John Leslie, younger of Pitcaple, coming forward and enacting himself to present the supplicants before their Lordships on Tuesday next the 30th instant, under the penalty of 1000 merks each.

Supplication by the provost and bailies of Perth anent the taxation of the said burgh. [Omitted out of its proper place in the Register.]

Supplication by the provost and bailies of Perth, as follows:—In reference to the Taxation of October 1625 the question was raised whether the uptaking of the inventories of the lent moneys of their town pertained to them or to the sheriff, and it has not yet been decided, to the great hindrance of his Majesty's service. The petitioners are very willing to do their duty honestly in the matter, and crave their Lordships' warrant that they may hold courts for the above effect. The Lords grant warrant to the provost and bailies of Perth to hold courts within their tolbooth and take up the inventories of the moneys pertaining to the inhabitants of their burgh at the terms of payment of the said taxation, and report the same before 10th January next. Fol. 126, b.

Holyrood House, 25th November 1630. Dr. William Leslie.

"A letter to the Bishop of Abirdene contening a copie of his Majesteis letter and the Counsallis ressonis for granting of the licence" (*i.e.*, to Doctor Leslie *supra*). Sederunts, November 1629-January 1635. Fol. 36, b.

Holyrood House, 25th November 1630. Letter of Council to the Bishop of Aberdeen anent Dr. William Leslie.

"After our verie heartilie commendatiouns to your good lordship. By a letter which we laitlie receaved frome his Majestie (the copie quhairof is heerewith inclosed) your lordship will understand upon what considerable respects his Majestie hes beene moved to give licence to Doctour Leslie to returne agane within this kingdome, and how his Majestie hes proceedit with that gracious and tender regarde to the established orders concerning papists that we could not in dewtie refuise to satisfie Royal Letters 1623-33. Fol. 189, a.

Royal Letters, 1623-33. Fol. 189, a.

his Majesteis princelie command in this particular. The licence is grantit, bot with that cautele and provisioun that if the Doctour sall behave himselfe scandalouslie and sall not carie himselfe modestlie and quyetlie in maters tuicheing religioun upon report and tryell to be made of his misdemeanours in that kynde his licence sall be frome thencefurth declared voide and the orders formerlie prescryved in suche cases sall be followed out aganis him with all rigour. Quhairof we have thought good to certifie your lordship, no wayes doubting bot your lordship will rest content thairwith and so muche the rather that there is no danger in the preparative, seing the lyke reasouns cannot be pretendit by others whiche ar heere urged for him. And so desiring your lordship to acquaint the Bishop of Murrey thairwith we committ your lordship to Gods protectioun and rests, etc. Halyrudhous 25 *Novembris* 1630. *Subscribitur*, Geo. Cancell., Hadinton, Linlithgow, Areskine, Carnegie, Hamiltoun."

Holyrood House, 25th November 1630. Letter to his Majesty anent a dispute between the Earl of Annandale and Sir Richard Graham.

"Most sacred Soverane, Having by our letter of the nynt of September last recommendit unto your royall consideratioun a petitioun preferred unto us by the Erle of Annerdaill tuicheing some oppressiouns and wrongs alledgit committed be Sir Richard Grahame, knight, and his tennents in violent debarring of the said Erle and his tennents frome the libertie of pasturage upon that parcell of land callit Rollandmerce alledgit be the said Erle to have beene bruiked be him and his predecessors past memorie of man as perteaning to your Majesteis ancient kingdome of Scotland, the redresse quhairof we humbelie recommendit to your Majestie as a nationall bussines and whiche might tend to the disturbance of the publict peace betuix the twa kingdomes, the said Sir Richard upon notice givin to him of this petitioun and of the tennour thairof hes made his addresse hither, and for cleering of himselfe of the alledgit oppressiouns and wrongs objected aganis him hes by his petitioun offered to submitt him selfe thereanent to the jurisdictioun of his Majesteis Counsell heere and in the pairt of right to the judges competent thairto, and his desire wes that the said Erle sould be summouned to compeir and insist in the qualificatioun and verifeing of his complaint as by this his inclosed petitioun your Majestie will perceave. Bot becaus we had by our said former letter represented the bussines to your Majestie we thought fitt to forbeare all proceiding in the said mater till your Majestie sall signifie your royall will and pleasure thereanent; and in the meane tyme we could not refuise to give to the said Sir Richard a testificatioun of his good and dewtifull cariage in making suche a faire offer to have the mater tryed before us, lykeas he wes readie and offered to exhibite unto us a covenant under the Clerke of Registers hand betuix the twa kingdomes quhairby he affirmes the land contraverted to be found to belong to England, whiche in absence of the partie we could not orderlie receave; and whereas both parteis will be at your royall Court we have thought it more fitt to remitt this mater

Fol. 189, b.

to your Majesteis royall and excellent directioun than rashlie take upon us that quhilk will not be justifiable be law. And thairfoir humbelie recommending the gentleman and his justificatiouns to your wounted royall consideratioun we pray, etc. Halyrudhous 25 *Novembris* 1630. *Subscribitur*, Dupline, Mortoun, Monteth, Hadintoun, Linlithgow, Wigtoun, Lauderdaill, Lorne, Arch. Achesone, Hamiltoun, S^r^ Thomas Hope, James Baillie. Royal Letters, 1623-33. Fol. 189, b.

Holyrood House, 30th November 1630.

Sederunt—Chancellor; President; Privy Seal; Marshall; Wintoun; Linlithgow; Wigtoun; Seafort; Air; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquair; Dumblane; Advocate; Sir John Scot; Sir James Baillie. Acta July 1629-December 1630. Fol. 266 b.

Charge to John Meldrum of Redhill and Richard Mouat to enter into ward in the Tolbooth of Edinburgh on a charge of complicity in the burning of Frendraught.

"The whilk day Johne Meldrum of Reidhill and Richard Mouat, servitour to Johne Leslie, younger of Pitcaple, being examined be the Lords of his Majesteis Privie Counsell concerning the burning of the hous of Fendraucht, and thair depositions being heard and consideritt be the saids Lords, they find sufficient ground and caus for detention of the saids persons heere to be furthcummand to thair farther tryell and examinatioun heerafter, for whiche purpose the saids Lords ordains the said Johne Meldrum in regarde of his present indispositioun to travell to the tolbuith of Edinburgh, be reasoun of his hurt in the thigh to remaine this night in the hous and companie with George, Erle of Wintoun, till farder order be takin with him; and ordains the said Richard Mouat to be committed to waird within the tolbuith of Edinburgh thairin to remaine till he be releaved be the saids Lords."

Commission for the apprehension of John Toshe and others in connection with the burning of Frendraught.

"The whilk day there wes ane commissioun past in Counsell to the Lord Gordoun, Lord Hay and Lord Desfurde for taking and apprehending of Johne Toshe, maister houshold to the Laird of Fendraucht, Thomas Jose, his stewart, Johne Gib, his gairdner, and Robert Bewlie, his cooke, and for exhibitioun of thame before his Majesteis Counsell to be examined upon suche things as sould be demanded of thame concerning the burning of the hous of Fendraucht."

Holyrood House, 30th November 1630.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 124, b.

Complaint by Andrew Imrie in Niddrie and Christian Udward, his spouse, against Isaac Hamilton, notary, for exacting extortionate interest from the complainers.

Complaint by Andrew Imbrie in Nidrie and Christian Udwart, his spouse, servitrix to Colonel Sir Harie Bruce, as follows:—About six years ago they borrowed £36 from Isaac Hamilton, notary, indweller in the Cannogait, by bond, for which accommodation he has exacted from them yearly £8 13s. 4d. of interest "with some other great commoditeis in name of bounteth yeerelie." He has thus exhausted the principal sum, and by this "his unjust dealing in taking threttene merkes yeerelie for the ten of E xxxvj^lib^ he hes thairby alluterlie wracked the compleaners with thair twa cautioneris and forced thame by horning and

Decreta, January 1630-February 1631. Fol. 125, a.

captioun to skaill thair hous." Parties compearing, the Lords find the dealings of the defender with the pursuers orderly until they shall pay to him and his spouse £44 and the interest thereof since the date of their bond and in time coming till payment in terms of a decreet of the Lords of Session produced, and to the said Lords of Session their Lordships remit the case.

Supplication by Mr. William Moir, burgess of Aberdene, Mr. John Moir, burgess there, John Barker in New Aberdene, and John Carter *alias* Davidsoun there, as follows:—They have been charged at the instance of Alexander Maissoun, indweller at Gordounsmylne, to compear before the Justice and his deputes on 3rd December next in the Tolbooth of Edinburgh to answer for unlawfully taking and detaining him as a prisoner, but he, perceiving his error in so troubling them, has of his own proper motive by a letter under his hand testified and declared that he was lawfully apprehended by the said John Barker and John Davidsoun, who acted by warrant from Andrew Meldrum, bailie of Aberdein, and Mr. Alexander Paip, sheriff depute there, and that he was justly imprisoned for not finding law-surety to Janet Rae, mother of the said Mr. William and John Moir, whom he had "a littill before cruellie hurt, woundit and bled"; wherefore he passes from his pursuit of them and discharges them thereof. This letter, dated at Aberdein, 5th November instant, is produced by the petitioners, who crave that they may be spared the trouble and expense of keeping the said diet. The Lords ordain the Justice, Justice Clerk and their deputes to desert the said diet against the said petitioners.

Supplication by Mr. William Moir, burgess of Aberdeen, and others that they may be relieved from appearing before the Justice in the Tolbooth of Edinburgh on the ground that the charge against them has been withdrawn.

Fol. 125, b.

Supplication by Alexander, Earl of Galloway, as follows:—In July last he raised criminal letters against the Laird of Lochinvar and a number of his friends and others for their intercommuning with William Gordoun of Pennyghame and Archibald M°Kie, his servant, who are at the horn for the slaughter of Alexander Stewart, a servant of the said Earl. These letters summoned them to answer before the Justice and his deputes in the tolbooth of Edinburgh on 16th July last, but their Lordships were pleased to postpone that diet to 10th December next. The petitioner was resolved to keep this day, "if it had pleased God to have continewed his health; bot now he is so visite with infirmitie and sickenesse that he is not able to travell aniewhere frome his hous." He therefore craves the further continuation of the case till some day in January next. The Lords appoint the 26th of January and direct that new caution be taken from "the criminalls" for their appearance that day; and that the Earl of Galloway give lawful and timely information of this change to the said Laird of Lochinvar and his friends so as to obviate unnecessary travelling on their part in the matter.

Supplication by Alexander, Earl of Galloway, that the diet appointed for the trial of the Laird of Lochinvar and others may be postponed owing to the ill-health of the supplicant.

Fol. 126, a.

Supplication by the provost and bailies of Hadintoun, as follows:—Of the taxation granted to his Majesty in October, 1625, they had made timely payment to Mr. John Hay, collector-depute of the said Taxation,

Supplication by the provost and bailies of Haddington

anent the taxation of the said burgh.

of the whole four terms' payment of the ordinary taxation and also of the first term's payment of the extraordinary taxation, and at the second term of the latter they were ready to make payment of their burgh's part, but the said Mr. John Hay refused to receive it or any of the remaining terms of the said extraordinary taxation. He now proceeds against them as concealers of money, though the fault of their not paying lay in himself, and they are yet willing to hold courts and take up inventories of the whole moneys pertaining to the inhabitants of their burgh. They therefore crave warrant from the Council for holding of these courts; and this the Lords grant, ordaining the said provost and bailies to report their diligence therein with the inventories before 1st January next.

Decreta, January 1630-February 1631. Fol. 126, a.

Holyrood House, 30th November 1630. Caution by young Pitcaple for his uncle John Meldrum.

"The quhilk day young Pitcaple become cautionar for exhibitioun of his uncle, Johne Meldrum, etc., upon Thurisday nixt under the panes contenit in the former act."

Sederunts, November 1629-January 1635. Fol. 37, a.

Pitcaple to exhibit his servant, Richard Mowat.

"Ordanis Pitcaple to exhibite Richard Mowat, his servand, upon Thurisday nixt."

Holyrood House, 2nd December 1630.

Sederunt—Chancellor; President; Privy Seal; Wintoun; Linlithgow; Seafort; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquair; Secretary; Clerk of Register; Advocate; Sir John Scot; Sir James Baillie.

Acta July 1629-December 1630. Fol. 267, a.

Charge to Patrick Cheyne and others to appear before the Council to give evidence anent the depositions of John Meldrum and Richard Mowat concerning the burning of Frendraught.

"Forsameekle as Johne Meldrum in Reidhall and Richard Mouat, servitour to Johne Leslie, younger of Pitcaple, being examined be the Lords of his Majesteis Privie Counsell upon certane particulars concerning the burning of the hous of Fendraucht whairin they have shamefullie varyed and contradicted thameselffes in thair depositions, necessar it is for the better tryell of the veritie and cleering of the truthe of the saids depositiouns that they be confronted with Mr Patrik Cheyne of , Patrik Leslie, goodman of the Den, Williame Caddell and Johne Dunbreck, servitours to , Elspitt Davidsone, servitrice to Sir George Ogilvie of Bamf, Normand Leslie, Robert Dempster, Johne Fraser, , Johne Baron, Yuile and George Leith, whiche persouns can give best light and evidence for and aganis the saids Johne Meldrum and Richard Mouat tuicheing the truth of the depositiouns made and affirmed by thame; for whilk purpose ordains letters to be direct charging the saids persouns to compeir before the saids Lords upon the twentie-thrid day of December instant to beir leill and suithfast witnessing in so farre as they know and sall be speirit at thame tuicheing the truthe of the depositiouns made be the saids Johne Meldrum and Richard Mouat under the pane of rebellioun, etc., with certificatioun, etc."

Acta July 1629-December 1630. Fol. 267, a.

"The Lords of Secreit Counsell for the better cleering and discoverie of the burning of the hous of Fendraucht and circumstances thairof gives and grants libertie and licence to Robert Dempster in to repaire to this burgh and there to attend the saids Lords untill the first day of Januar nixt to the effect he may be examined tuicheing his knowledge in the mater foresaid, discharging in the meane tyme all shireffs, stewarts, bailleis of regaliteis and all others his Majesteis officiars of all apprehending, warding or troubling of the said Robert for whatsomever deid, caus or occasioun, discharging thame thairof and of thair offices in that part during the space foresaid."

Protection to Robert Dempster that he may appear before the Council and be examined anent the burning of Frendraught.

"Forsameekle as it is understand to the Lords of Secreit Counsell that there is great appearance of trouble lyke to fall out betuix Patrik Kynnaird of Campsie, on the ane part, and Patrik Inglis of Byres, Patrik, Alexander and Thomas Inglises, his barnes, Robert Alesone in Innernytie, and George Broun at the Mylne of Collace, on the other part, and both the saids parteis lyes at await to take thair advantage of others in high and proud contempt of justice and misregarde of his Majesteis auctoritie; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the Sheriff of Perth and his deputs to call and conveene the persons foresaids before thame with convenient diligence and to putt thame under good band and suretie [to keep] his Majesteis peace, ilk ane of thame . . . [torn] . . . sheriff or his deputs sall prescryve, the persouns refuising . . . . . said cautioun to take and apprehend and to committ thame to waird . . . tolbuith of Perth thairin to remaine upon thair awne expenses ay and whill [farther] directioun be givin [towards thair punishement] for thair contempt [and disso]bedience, as the said shireff and his deputs will answer upon thair obedience."

Charge to the Sheriff of Perth to take bonds of Patrick Kinnaird and others that they will keep the peace.

Fol. 267, b.

"Forsameekle as the Lords of his Majesteis Privie Counsell, having understood by ane letter direct to thame frome the toun of Beruick that there is a verie great skarsetie and dearth of victuall within the same, in regarde whairof they have made earnest sute to the saids Lords that they might be permitted to furnishe thameselffes with cornes frome this kingdome notwithstanding the generall restraint of exportatioun and publicatioun made thairof in the contrair, whiche letter and the desire thairof being heard and considderit be the saids Lords, and remembring the ancient usuall commerce and intercourse whiche hes beene interteanned betuix the subjects of this countrie and the inhabitants of the said toun of Beruick and in regarde thairof being verie pleased to show thame all curtesie and favour and to helpe and releeve thair necessiteis in this so exigent a tyme, thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full libertie and licence to his Majesteis subjects of this kingdome to carie and transport cornes by land directlie to the toun of Beruick, and thairwithall warrands and allowes the inhabitants of the said toun to repaire to the mercats of

Act granting licence to the inhabitants of Berwick to procure corn from any part of Scotland on condition that it is not transported by sea, and is only applied to daily use and not stored.

this kingdome and to buy and transport victuall by land allanerlie, as said is, for thair daylie use and interteanement notwithstanding of the former restraint made and published in the contrair, quhereanent the saids Lords for the reasouns foresaids by these presents doe dispense; provyding alwayes that the inhabitants of the said toun of Beruick buy not anie great blockes of victuall to be keeped in girnellis and magazens bot that the same be whollie imployed towards the daylie and necessar releefe of the saids inhabitants, and that they suffer no part nor quantitie of the cornes to be caried to that toun to be transported furth thairof ather by land or watter bot that the samine be disposed of to the uses aforesaid and no otherwayes, quhairin if the saids inhabitants sall happin to faillie and contravene the conditioun of this Act the saids Lords declaires that upon report and tryell to be made thairof the favour and indulgence heirby grantit unto thame will be frome thencefurth recalled and the order formerlie prescryved sall be followed out and put in execution conforme to the tennour thairof; and ordains letters to be direct to make publicatioun of the premises at the mercat croce of Dunce to the effect his Majesteis lieges and others whome it does concerne may be certified thairof in forme as effeiris." Acta July 1629-December 1630. Fol. 267, b.

His Majesty's letter in favour of the Burgh of Edinburgh anent girnelling of victual.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours."

[Here there is a leaf or two wanting of the Register.]

[Sederunt as recorded above.] Decreta, January 1630-February 1631. Fol. 126, b. Fol. 127, a.

Holyrood House, 2nd December 1630.

Complaint by John, Lord Erskine, against William Wilson in Walton and others, whom he accuses of refusing to receive instruction in the new method of tanning.

Complaint by John, Lord Areskine, as follows:—At great personal expense he brought into this kingdom a number of strangers, "skilled and expert men in the tanning of ledder to instruct the tanners and barkers of ledder of this kingdome in the right forme of tanning and barking thair ledder, how they sall reforme thair potts and how they sall dresse and handle thair ledder the tyme that the samine lyes in thair potts;" and though a great number of the best and most skilful tanners of the kingdom willingly embraced the reformation and are heartily content to receive instruction conform to the articles set down by their Lordships in the matter, "thair awin experience teaching thame that thair former ignorance and abuse wes hurtfull to the commoun weale and that the intendit reformatioun imported not onlie thair awin privat weale bot the publict weale of this kingdome; nevertheless, the most rude and ignorant in that trade, as namelie, Williame Wilsoun in Waltoun, Johne Weyman in Maigraswod, Williame Crooke in Sorne, Androw Gibsoun in Limmerhauche, William Reid in Dallernock, James Alexander in Burne of Neid, Williame Mure in Crookmure, Mathow

Decreta, January 1630-February 1631. Fol. 127, a.

Mure, his sonne, Johne Hunter in Adamecroft, Robert Nicoll there, George Reid in Hollinebus, Johne Hunter in Rottinraw, James Mure in Auchinkey, William Mure there, James Mure in Steill, Johne Crawfurd in Overtoun, Thomas Cauderoun in Barskiming, Johne Wallace and Williame Mure there, Patrick Harvie in Cumnock, Williame Murdoche there, Mathow Mure in Bogheid, Andro Donnald in Cumnock, Johne Donnald and Richard Aird there, and Richard Key in Killocht, preferring thair awne ignorance and abuses, interteanned be thame to all good order, policie and governement, and to all instructioun and informatioun," are resolved to oppose this reformation. Hence "they disdaine and refuise to receave anie kynde of instructioun in the said trade and will not suffer thair hydes to ly in thair potts during the space prescryved unto thame, but takes thame out and presents thame to mercat raw," and thus also they incite others to do the like, so that the reformation established by their Lordships is likely to prove void. Charge having been given to the persons named to appear and answer for their contempt, and the pursuer compearing, but none of the defenders, the Lords ordain them to be put to the horn and escheat.

Fol. 127, b.

Supplication by John Menzies of Carlops for a commission to appoint collectors to exact dues from all who pass the bridge of Carlops, which is now in ruins, and which he is unable to maintain at his own expense.

Supplication by John Meinzeis of Carlinglops as follows:—The bridge of Carlinglops is now become altogether ruinous and decayed to the great inconvenience of the lieges journeying from Edinburgh to Bigger, Dumfreis and other parts in the south, "who in the winter and others deepe tymes in the yeere when the water is great ar in great danger of drowning by ryding of the furde, lykeas some have pitifullie drowned thairin and others ar forced at these tymes to ly on this side of the water awaiting the falling of the spait, there being no other passage bot by the said water and bridge." The petitioner is not able to uphold and repair the bridge at his own expense, and he therefore craves their commission to appoint collectors and uplift for five years to come the following tolls at the said bridge and ford, viz., of every foot passenger, one penny; of every horseman, two pence; of every horse load of whatsoever commodities, four pence; of every cart load of any kind of goods, eight pence; of every ten sheep, four pence; and of every cow, ox or horse to be sold, four pence; the proceeds to be employed upon the repairing of the said bridge. The Lords grant the commission and warrant as craved.

Fol. 128, a.

Supplication by James Mowat, Writer to the Signet, that he may be freed from ward.

Supplication by James Mouat, Writer to the Signet, as follows:—Mr. Rodger Mowat, advocate, became cautioner, in terms of their Lordships' ordinance, in 500 merks, for the petitioner's compearance before them to underlie their sentence "for taking up of umquhill Alexander Hamilton, witche, his depositiouns." The supplicant obeyed and was warded for this for the space of ten weeks; and he now craves that the Lords will free him of all further compearance in the matter. This the Lords consent to do, and also discharge the said bond of caution

Extension of protection to Sir George Home of Manderston.

The Lords extend the protection granted to Sir George Home of Manderstoun for coming to Edinburgh to pursue certain persons "who had practised aganis his lyfe and estait by witchecraft" until the last day of this instant December. Decreta, January 1630-February 1631. Fol. 128, b.

Holyrood House, 2nd December 1630. Missive from his Majesty anent a dispute between Edinburgh and Leith.

"Ane missive frome his Majestie for annulling the warrand gevin be the Counsell for suspending the executioun of the decreit recoverit be the toun of Edinburgh before the Lordis of Sessioun aganis some of the inhabitantis of Leethe toucheing the girnelling of victuall in Leethe. The Lordis continewis this mater and the satling of the differenceis betuix the saids pairtyis till Twisday nixt, whairof the pairtyis ar warnit *apud acta*." Sederunts, November 1629-January 1635. Fol. 37, b.

Holyrood House, 4th December 1630. Extension of protection to Mr. Matthew Crawfurd.

[No record of Sederunt.]

The Lords extend the protection granted to Mr. Matthew Crawfurd, brother to the Laird of Lochnoreis, for his coming to this kingdom and arranging with his creditors until the 25th instant. Decreta, January 1630-February 1631. Fol. 128, b.

Holyrood House, 7th December 1630.

Sederunt—Chancellor; President; Privy Seal; Mairshell; Wintoun; Linlithgow; Seafort; Lauderdaill; Lord Gordoun; Lord Melvill; Lord Carnegie; Bishop of Dumblane; Secretary; Clerk Register; Advocate; Sir John Scot; Sir James Baillie.

Supplication by Sir Robert Ker of Ancrum for protection to Lord Jedburgh.

Supplication by Sir Robert Ker of Ancrum, servitor to his Majesty, as follows:—He has been employed by Robert, Earl of Somercet, to negotiate with Andrew, Lord Jedburgh, for preserving the standing of his house of which the said Earl is a cadet, and for the welfare of which he is desirous to contribute his best efforts by the sale of some portions of the said Lord's lands; but being under some hornings Lord Jedburgh cannot come to Edinburgh for the necessary consultations with advocates about this business, and it is therefore likely to come to nought. He therefore craves a protection for the said Lord Jedburgh, and this the Lords grant till first March next. Fol. 129, a.

Supplication for protection by Sir David Livingstone of Dunipace and his eldest son for protection that they may come to Edinburgh on legal business.

Supplication by Sir David Livingstoun of Donypace and , his eldest son, as follows:—For relieving of the great burden of debt under which they lie they desire to sell some of their lands, and have entered into treaty with some gentlemen to that effect, but must advise with lawyers in Edinburgh before the securities can be drawn, and their creditors be satisfied. They therefore crave their Lordships' protection to come to Edinburgh for this purpose, which the Lords grant till 28th December instant. Fol. 129, b.

Supplication by Thomas Meldrum of Iden and his son, William Meldrum, for protection that

Supplication by Thomas Meldrum of Iden and Mr. William Meldrum, his son, as follows:—They have found caution to appear before the Justice upon the 10th instant to answer the charge of burning the tower of Fendraucht, and they crave the protection of the Lords so that

Decreta, January 1630-February 1631. Fol. 130, a.

while they are in Edinburgh for this purpose they may not be liable to arrest on any other charge. This the Lords grant till 21st instant. they may appear before the Justice anent the burning of Frendraught.

Supplication by Alexander Aikenheid, burgess of Edinburgh, as follows :—For the past eleven years he has been distressed as cautioner for the deceased Cuthbert Borthuick and by advancing great sums of money to the Lady Borthuick, which she and Lord Borthuick, her husband, have converted to their own use, and regarding which he can obtain no redress, he is utterly wrecked. Lady Borthuick now denies the debt, and she and Mark Ker, her brother, use all means to frustrate his getting payment and so satisfying his creditors, whom he is most willing to satisfy if he could but get his own. For this purpose he has several actions depending before the Lords of Session against the said Lady Borthuick and her brother, and he craves their Lordships' protection that "he may attend the ending of his actions." This the Lords grant until 22nd December instant. Similar supplication by Alexander Aikenhead, burgess of Edinburgh.

Sederunts, November 1629-January 1635. Fol. 37, b.

"The Lords continewis the ansuering of his Majesteis letter toucheing the resinding of the act anent the staying the executioun of the Lordis of Sessioun thair decreit for staying the girnelling of victuall in Leethe, and the satling of the differenceis betuix the toun of Edinburgh and the inhabitantis of Leethe untill Thurisday nixt; and in the meane tyme the Lordis advyses the inhabitantis of Leethe, of whome a grit nomber wer present, to goe the morne to the toun counsell of Edinburgh and to intreate for thair courtesie and favour in the executioun of suche decreitis as the toun hes recoverit agains thame, and whiche the inhabitantis of Leethe in course of justice can not gett declynnit." Anent the dispute between Edinburgh and Leith.

"The quhilk day Mr Thomas Mitchell, minister at Turreff, produceit to the Lordis a missive letter direct to thame frome the Bishop of Abirdene togidder with a roll of the papistis and excommunicat rebellis in the north who haveing found cautioun or actit thame selffis ather to conforme or depairt furth of the cuntrey haif gevin no obedience nather to the one nor the other, bot levis at home without controlment; which being red, hard and considderit be the Lordis, thay ordane the pairtyis transgressouris to be callit to thair ansuer to heir and see thame decernit to haif incurrit the penaltyis; and ordanis letters to be direct with consent of the Lord Gordoun, who wes personalie present, for arresting of the saidis rebellis, thair goodis and geare to his Majesteis use. And siclyke ordanis letters to be direct chargeing the Marques of Huntlie to exhibite suche of his tennentis for whome he is ansuerable, and that the excommunicat wyffis and thair husbandis be chargeit befoir the Counsell to ansuer upoun the ressett of jesuitis and transgressing divers his Majesteis Actis of Parliament." Charge anent certain Papists in Aberdeen who have refused either to conform to the true religion or to quit the country.

Fol. 38, a.

"The quhilk day the Laird of Banff, compeirand personalie befoir the Lordis, actit himselff as cautioner and souertie for James Clerk, James Toshe and Thomas Joise, servitouris to Frendraught, that thay sall remayne within the burgh of Edinburgh and the Cannogait and not Caution by the Laird of Banff for James Clerk and others in connection with

the burning of Frendraught.

remove without licence of the Counsell, and in the meane tyme that thay sall compeir befoir the Counsell sa oft as thay salbe chargit, ilk persone under the pane of ane thousand merkis." Sederunts, November 1629-January 1635. Fol. 38, a.

The rental of Lewis.

"The quhilk day the Earle of Seaforte produceit the rentall of the Lewis and offers the same to the consideratioun of the table. Continewis the resolutioun till Thurisday nixt."

9th December 1630.

[The beginning of this Sederunt is wanting.] Acta July 1629-December 1630. Fol. 268, a.

Anent the dispute between Edinburgh and Leith.

". . . [torn] . . . to suspend the decree givin by the Sessioun in favour [of the toun of] Edinburgh against some of the inhabitants of Leith and . . . . . Majestie doth not doubt bot that we had some considerationns moving us thereunto; so your Majestie hes required us to take a course that everie judicatorie may be preserved in the owne integritie and that the said Act of Suspensioun may be made ineffectuall, that your Majesteis lawes may have a free course and the said burgh may injoy its owne liberteis.

Letter of Council to his Majesty anent the dispute between Edinburgh and Leith—and specially anent the point of the storing of victual by the burgh of Edinburgh.

"For answere, May it please your most sacred Majestie be informed that as we cannot bot in all humilitie rander unto your Majestie most humble and heartie thankes for your Majesteis so good and gratious opinioun of the justice of our proceedings in the said bussines, so we have thought our selffes bound in dewtie and in obedience of your Majesteis said letter (after serious consultatioun and often hearing of the saids parteis) to rescind the said act of suspensioun of the said decreit of Sessioun in all things whatsoever except in the mater of girnelling of victuall, whiche being a mater so highlie importing and concerning the whole bodie of this kingdome and the publict good of the State we cannot as yitt bot thinke it fitt to be preferred before all privat respects whatsoever, and thairfoir we doe in all submissive mauer most humbelie beseeche your Majestie not to misconstrue our faithfull and just proceedings in suspending as yitt the executioun of the said decree of Sessioun so farre as the same can be extended to the said mater of girnelling whiche in our opinions can not in equitie be challenged as a peculiar priviledge proper unto anie particular burgh without ane eminent prejudice to the State in generall and a particular hurt of a great nomber of the nobilitie and gentrie and uthers who have often greevouslie compleanned thairof and upon whois clamours we wer speciallie induced (in point of State properlie belonging to the jurisdictioun of your Majesteis Counsell) to grant the said suspensioun, as by our Act then made and heerewith sent unto your Majestie more at large may appeare. So having left the said burgh of Edinburgh to the full fruitioun of all thair uther lawfull liberteis and priviledges and having recommendit the wished agreement betweene the said burgh and the toun of Leith, we humbelie take our leaves, and with our heartiest prayers for your Majesteis long and happie reigne we sall ever rest, etc., 23 [*sic*] December,

Acta July 1629-December 1630. Fol. 268, a.

1630. *Subscribitur.* Dupline, Monteith, Hadinton, Winton, Linlithgow, Seafort, Melvill, Carnegie, Tracquair, B. Dumblane, S. Thomas Hope."

Licence to the Countess of Abercorn to return to Edinburgh to assist her son, James, Earl of Abercorn, in arranging his affairs.

"Anent the supplicatioun presentit to the Lords of Privie Counsell be James, Erle of Abercorne, makand mentioun that where he hes beene thir diverse yeeres bygane, as is notour to the saids Lords, out of the kingdome, quhairthrow his effaires hes beene farre neglected, and he being now returned and come home he is upon a course not onelie to sattle the effaires of his hous bot to see the provisiouns left be his umquhill father to his childrene, his brether and sisters, to be secured unto thame, in the whilk bussines he can make no progresse without the presence of the Countesse of Abercorne, his mother, who being left executrice be his father, and since his decease, she having had the full administratioun, disposing and ordouring of all the effaires and bussines, hous and of the provisiouns left to his brother and sisters, her presence and concurse to the sattling of thir maters is so important and necessar as without the same there can be nothing
Fol. 268, b. done; and forder in the orderlie disposing of thir maters they must have the advice and . . . [torn] . . . who upon noe conditioun will goe frome this burgh to . . . . . s mother remaines; humbelie desyring thairfoir the saids [Lords to give] and grant unto the Countesse of Abercorne, his mother, ane licence [to re]sort and repare to this burgh and to remane heere for sattling thir maters for suche ane space as the saids Lords please appoint, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords, and they weill advised thairwith, the Lords of Secreit Counsell gives and grants libertie and licence to the said Countesse of Abercorne to resort and repaire to the burgh of Edinburgh and thairin to remane within her awne loodging for sattling of thir maters until the secund day of Februarie nixt, she first finding cautioun and souertie actit in the bookes of Secreit Counsell that during her abode within the burgh of Edinburgh she sall conteane her selfe within her loodging, that she sall behave herselfe modestlie without giving offence or scandall to the Kirk, that she sall admitt and heare conference with the ministrie, that she sall not heare messe, ressett jesuits nor preists, nor intercommoun with thame, and that at the expyring of this licence and warrand she sall returne backe againe to Duntarvie and there remane upon the conditions specified and conteanit in her act of cautioun bearing dait at Halyrudhous the 28 day of Apryle last under the pane of fyve thowsand merkes."

Order to the provost and bailies of Aberdeen to liberate from their Tolbooth Marjory Garioch, an aged Papist, on condition of

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Marjorie Garioch in Claymyres, makand mentioun that where it is not unknowne to the saids Lords what heavie trouble and distresse she hes susteaned by her long imprissonment for her not conformitie to the religioun profest within this kingdome, she being ane poore, aged, decrepit woman, having little or nothing whairupon to deteane [sic] her

her finding caution to leave the country.

selfe in waird; and seing she is content to find cautioun either to conforme or to remove out of the countrie betuix and suche tyme in the Spring seasoun as the saids Lords sall allow and under suche panes as the Lords sall please modifie, humbelie desyring thairfoir the saids Lords to receave her cautioun for performance of the premises, and the same being found, to give warrand to the provest and bailleis of Aberdein to putt her to libertie and freedome furth of thair tolbuith to the effect she may prepare her selffe of meanes by the benevolence of her freinds for defraying of the charges of her transport and remaining beyond sea, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read and heard in presence of the saids Lords and they considering the said supplicant her great age, povertie and long imprissonment, and in regarde thairof being willing to grant her all lawfull favour that may stand with the order prescryved in caises of the lyke nature, thairfoir the Lords of Secreit Counsell recommends to the consideratioun of the Bishop of Aberdein the desyre of the supplicatioun abonewrittin and thairwithall remitts to his lordship the order taking with the said supplicant anent the terme to be prefixed be him to her for her removall and departure furth of his Majesteis dominions, the sufficiencie of the cautioun to be found be her for that effect and of the panes thairin to be conteanit, and the said caution being so found be her, ordains the provest and bailleis of Aberdein to putt the said supplicant to libertie and freedome furth of thair tolbuith and to suffer her pas where she please, quhereanent the extract of this act sall be unto the said Bishop of Aberdein [and to the provest] and bailleis of Aberdein ane sufficient warrand and com . . . ."

Acta July 1629-December 1630. Fol. 268, b.

Fol. 269, a.

Postponement of diet for examination of certain persons accused of the burning of Frendraught.

"The Lords of Secreit Counsell upon good and considerable respects ordains and commands his Majesteis Justice, Justice Clerk and their deputs, to continew the dyet appointed to certane persons for their compeirance before thame the tent of this instant to underly the law for thair treasonable raising of fire and burning of the hous of Fendraucht thairwith in the moneth of October last untill the twentie-ane day of Januarie nixtocome, the saids parteis finding cautioun for thair compeirance that day conforme to the order."

Holyrood House, 9th December 1630.

Sederunt—Chancellor; President; Privy Seal; Mairshell; Wintoun; Linlithgow; Wigtoun; Lauderdaill; Seafort; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Traquair; Secretary; Clerk Register; Advocate; Sir James Baillie.

Decreta, January 1630-February 1631. Fol. 130, b.

Complaint by Robert M'Clellan against Robert M'Clellan of Minto, who is his debtor at the horn.

Complaint by Robert M^cClellane, son to the deceased Thomas M^cClellane, called of Minto, and executor decerned to him, and Edward Maxwell of Balmangane, his tutor dative, for his interest, as follows:—On 21st December, 1627, Robert M^cClellane of Minto was put to the horn at

Decreta, January 1630-February 1631. Fol. 130, b. Fol. 131, a.

complainer's instance for not paying to him 3000 merks of principal, 500 merks of expenses, and a further sum of £100, but to this horning he pays no heed. Charge having been given to the said defender and he failing to compear, the Lords ordain letters of caption to be issued charging the Steward of Kirkcudbright and his deputes to arrest him, and seize his houses and goods.

Complaint by James Watson, servitor to William, Earl of Angus, against James Lumsden and others for assault.

Complaint by James Watson, servitor to William, Earl of Angus, as follows:—On 27th November last James Lumisden in Over Morvingtoun, John Lumisden, his brother, Samuel Nisbitt in Paxtoun, and John Nisbitt in Foulden, fiercely assailed him on the highway as he was conveying eight bolls of beir to Morvingtoun, and with their drawn swords wounded him on the left arm to the effusion of his blood, violently took from him the said beir and carried it away with them. These persons being charged and not compearing, and the pursuers appearing by Sir James Dowglas, brother to the said Earl of Angus, as their procurator, the Lords ordain the said defenders to be denounced rebels.

Sederunts, November 1629-January 1635. Fol. 39, a.

Holyrood House, 9th December 1630. Anent the decreit of the Lords of Session relative to the dispute between Edinburgh and Leith, and the point of the storing of victual by the burgh of Edinburgh.

"The Lordis after goode advise and deliberatioun haif for obedience of his Majesteis letter rescindit the Act of Counsell maid for suspending the decreit of the Lordis of Sessioun recoverit be the toun of Edinburgh aganis certane inhabitantis of Leethe in the wholl pointis thairof except for the girnelling of victuall, whiche being a mater of State concerning the whole liegis in the consequence and example, notwithstanding the decreit be onlie recoverit aganis three personis of Leethe; and the Lordis ordanis the executioun of the said decreit insofar as the same can be extendit to the girnelling of victuall to stand still suspendit conforme to the Act of Counsell maid thairanent of befoir, and allowis the provest and bailleis of Edinburgh to caus putt thair decreit to executioun in the whole remanent pointis thairin contenit conforme to the tennour thairof, the girnelling of victuall being alwayes exceptit and reserved, as said is, and this in respect of the toun of Edinburghis refusall to act thameselffis not to proceid thairin without allowance of the Counsell, being a publict mater."

Acts July 1629-December 1630. Fol. 269, a.

Holyrood House, 14th December 1630.

Sederunt—Chancellor; President; Privy Seal; Mairshell; Wintoun; Linlithgow; Wigtoun; Seafort; Lauderdaill; Dumblane; Lord Gordoun; Lord Melvill; Lord Carnegie; Lord Tracquair; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Sir James Baillie.

Charge to sheriffs and other persons in authority to enforce the laws against gipsies.

"Forsameekle as albeit there hes beene diverse Acts of Secreit Counsell and Acts of Parliament following thairupon made be our lait soverane lord of eternall and famous memorie aganis the counterfoote theeves and lymmaris, callit the Egyptians, whairby it is ordained that if anie of the saids vagabound lymmars and theeves, als weill men as weomen, sould be found within this kingdome or anie part thairof after the terme prefixt

unto thame for thair departure quhilk now manie yeeres since is expyred and out run that it sould be leasome to all his Majesteis good subjects to caus take, apprehend, imprison and execute to the death the saids Egyptians, als weill men as weomen, as common, notorious and condemned theeves be ane assise onelie to be tryed that they ar callit, knowne, repute and haldin Egyptians, as the saids Acts conteaning ane expresse prohibition and discharge that nane of his Majesteis subjects sould ressett, supplee or interteanie anie of the saids vagabound theeves and lymmars, callit Egyptians, ather men or weomen, after the expyring of the terme appointed for thair departing furth of this kingdome under the pane of confiscatioun of all thair moveable goods and forder punishing of thame in thair persons in maner specified in the saids Acts at lenth beiris; notwithstanding whairof it is of truthe, as the Lords of Secreit Counsell ar informed, that there is ane great nomber of thir counterfoote vagabounds in the north parts of this kingdome and they goe athort the countrie in troupes and companeis armed with unlawfull and invasive armour, and where they may be masters they extort frome his Majesteis good subjects, who ar not able to resist thame, suche things as they stand in neid of, threatning the refusears with all kynde of extremitie and violence, so as they ar become ane unsupportable burdein to the countrie, and his Majesteis judges and officiars of the countrie and the noblemen, barons and gentlemen who ar of power and strenth to apprehend thir vagabond lymmars ar become so remisse and carelesse of thair honnours, credite and dewtie in this point as they connive at the behaviour and cariage of thir lymmars and suffers thame without controlment to sorne and oppresse the countrie at thair pleasure, highlie to his Majesteis contempt and misregard of law and justice. Thairfoir the Lords of Secreit Counsell ordains letters to be direct to command and charge all and sindrie his Majesteis sheriffs, judges and magistrats, and all noblemen, barons and gentlemen and others his Majesteis subjects being of power within or neir to whois bounds thir vagabound and counterfoote theeves and lymmars haunts and repaires to searche, seeke, hunt, follow and persew thame, and to take and apprehend thame, and to committ thame to waird and to execute his Majesteis lawes aganis thame as commoun, notorious and condemned theeves in maner specifeit in the saids acts and under the panes mentioned thairintill, and under the pane to be callit, persewed and punished and fyned at the discretioun of his Majesteis Counsell, the ane halfe of quhilk fynes sall be givin to the delatour and informer aganis thame; certifeing alsua all and sindrie his Majesteis subjects who sall ressett, supplee or interteanie anie of the saids vagabound theeves and lymmars, men or weomen, that they sall be lykewayes callit and conveenned before his Majesteis Counsell and sall be censured and fyned accordinglie, the ane halfe of quhilks fynes sall be givin to the informer and delatour."

Acta July 1629-December 1630. Fol. 269, a.

Acta July 1629-December 1630. Fol. 269, b.

Act for the alteration of the dates of Fair days to prevent their falling on Sundays.

"Forsameekle as in the subsynod . . . . . in the Colledge Kirk of Auld Aberdein upon the auchtein d . . . . . the brethrein of the ministrie conveenned there for the tyme accord[ing to ane] act of the diocesan assemblie of Aberdein made upon the twentie ane day of October last having tane to thair consideratioun the great profanatioun of the Lords day occasioned within the bounds of the diocese of Aberdein by keeping of mercats upon the ordinarie and accustomed dayes of the faires underwrittin, whilks oft tymes fell out according to the usuall changes in the yeere to be in one or other of the saids faire dayes upon the Sunday, they have thairfoir thought fitt that the ordinarie dayes of the saids faires and mercats sall be changed in maner underwrittin, that is to say—S^{t} Serfes faire, whilk had its beginning upon the 23 of Junij yeerelie, to be changed to the last Tuisday of the said moneth; S^{t} James faire, whilk wes in use to sitt doun upon the 23 of Julij yeerelie, to be altered to the penult Tuisday of the said moneth; Lambmesse faire, whilk wes in use to sitt doun upon the 27 day of Julij, to be altered to the last Tuisday of the same moneth; Laurence faire in Rayne, whilk wes in use to sitt doun upon the first of August, to be altered to the first Tuisday of the said moneth of August; Laurence faire in the Mearnes, whilk wes in use to begin upon the aucht day of August, to be altered to the secund Tuisday of the said moneth; Marimes faire, being in use before to begin upon the fourtene of August, to be altered to the secund Tuisday of the said moneth; Bartilmewes faire, quhilk hes had its beginning about the 24 of August, to be altered to the last Tuisday of the said moneth; S^{t} Makruis far, whilk had its beginning upon the 27 of August, to be altered to the first Tuisday of September; Michael faire, whilk hes had the beginning upon the 28 of September, to be altered to the last Tuisday of the said moneth; Cowin fair, quhilk hes had its beginning upon the sevint of October, to be altered to the first Tuisday of the said moneth; Trewel fair, quhilk hes had its beginning upon the 14 day of the said moneth of October, to be altered to the secund Tuisday of the same moneth; Hallow fair to begin the last Tuisday of October; Martimes faire, quhilk hes had its beginning about the fyft day of November, to be altered to the first Tuisday of the same moneth; Bryak faire, quhilk hes had its beginning upon the precise Tuisday after Martimes, to continew; Andirsmesse faire, quhilk had its beginning about the 28 of November, to be changit to the last Tuisday of the same moneth; Dustan fair to begin ever on the secund Tuisday of December; Ashe Wedinsday faire, quhilk had its beginning on Tuisday being Fastings Even night, thairfoir to be confirmed; Mid Lentron faire, quhilk hes had its beginning ever before on Fryday be Mid lentron, to be altered to the Thursday before; Skeirthursdayes fare, quhilk hes its beginning ever on Wednisday before Pasche, to be confirmed; Donald faire quhilk hes the beginning upon the saxtene of Apryle, to be

altered to the secund Tuisday of the said moneth; and Ruid faire, quhilk hes its beginning on the secund of May, to be changed to the first Tuisday of the said moneth; as the Act of the said sub-synod made to this effect conteaning ane directioun for appointing some commissioners to supplicat the Lords' Privie Counsell to interpone thair auctoritie to the course and order foresaid anent the tyme of the saids mercats as they ar formerlie designed that thereafter the sacred day of the Lords worship be not profanned as hes beene in tymes bypast at lenth beirs. Quhilk act being read, heard and considderit be the saids Lords, and they finding the course prescryved thairin for keeping of the mercats upon the dayes particularlie abonewrittin to be weele and orderlie done for restranning [*sic*] of the Lords day, thairfoir the saids Lords hes ratified, allowed and approvin, and be the tennour heirof ratifeis, allowes and approves the act foresaid of the said subsynod of Aberdene, tuicheing the change of the mercats and faires foresaids to the particular dayes abone specifeit mentiouned in the said act, in all and sindrie points, clauses and articles thairof; and the saids Lords hes interpouned thair auctoritie thairto, and ordains the mercats and faires abone mentiouned to be keeped upon the dayes respective sett doun and prescryved be the said act conforme to the tennour thairof in all points, and ordains the said act to be putt to dew and full executioun in all tyme coming; for quhilk purpose ordains letters to be direct . . . . . to pas and make publicatioun heirof be opin proclam[atioun at all places neidfull] whairthrow nane pretend ignorance of the same, and to com[mand . . . . .] all and sindrie his Majesteis lieges and subjects that nane of [thame presoome] nor take upon hand to keepe the mercats and faires upon the dayes formerlie accustomed for keeping the same, bot to keepe the saids mercats and faires upon the dayes now appointed and prescryved be this present act and ordinance as they and everie ane of thame will answere upon the contrarie at their highest perrell."

Acta July 1629-December 1630. Fol. 269, b.

Fol. 270, a

Caution by John Gordon of Lochinvar for John Gordon of Auchlane.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Gordoun of Lochinvar and become actit and obleist as cautioner and souertie for Johne Gordoun of Auchlane that Patrik Ahannay of Kirkdaill, his wife, barnes, men, tennents and servants, sall be harmelesse and skaithlesse in thair bodeis, lands, roumes, possessiouns, goods and geir, and in no wayes to be troubled nor molested thairin be the said Johne Gordoun of Auchlaine, nor no others of his causing, sending, hounding out, command, ressett, assistance nor ratehabitioun, whome he may stoppe or latt, directlie nor indirectlie, in tyme comming, utherwayes nor be order of law and justice, under the pane of ane thowsand merks."

Holyrood House, 14th December 1630.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 131, b.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's

Decreta, January 1630-February 1630. Fol. 131, b.

Advocate, for his Majesty's interest, and Patrick Hannay of Kirkdaill, Gilbert McSkellie in Flacharrie and James McBirnie there, his servants, as follows :—Although the bearing of hagbuts and pistols has been often prohibited, yet when the said Patrick Hannay after obtaining a decreet of the Lords of Session against Patrick McClellane in Glenturke and certain others for payment of certain sums of money, caused Patrick Galbraith, messenger, proceed (in terms of letters of poinding and apprising dated 17th September last) to the lands of Glenturke in the sheriffdom of Wigtown, and poind nine oxen, which the said messenger took to the market cross of Wigtoun and offered for the sums for which they were apprised, and when no offer was made for them, delivered them to the complainer in part payment of his debt, who thereupon took them home to his lands of Clacharrie and inclosed them in folds, Thomas McClellane in Kirkcudbright, brother's son to the Laird of Bombie, and a number of accomplices armed with swords, jacks, and other weapons and the forbidden hagbuts and pistols, came under silence of night to the said folds and violently carried off the said oxen. Moreover, they daily wear the said prohibited weapons and shoot at the complainer's tame doves therewith, striving to stir him up to the doing of something lawless, but which he forbears from his respect to law and justice and trusting that his Majesty's Council will provide for the quiet of the country and not suffer such disorders to pass unpunished. The pursuers compearing, but not the defender, the Lords ordain the said Thomas McClellane to be denounced.

Complaint by Patrick Hannay of Kirkdale against Thomas M'Clellan in Kirkcudbright, whom he accuses of wearing hagbuts and of carrying off oxen which the complainer had legally poinded from Patrick M'Clellan in Glenturk.

Fol. 132, a.

Complaint by James Crichtoun of Fendraucht, as follows :—Several Acts were made by the late King James against "the perturbers of the kirk in tyme of divine service, especiallie ane Act made in his Majesteis ellevint Parliament cap. 27, whairby it is statute and ordained that quhatsomever persoun or persons sall happin heerafter to perturbe the order of the kirk in tyme of divine service or make anie tumult, raise anie fray ather in kirk or kirkyaird, whairthrow the people than conveenned sall happin to be disquyetted, troubled or disperst, that everie suche persoun sall be severelie punished in maner specefeit in the said Act." Yet when on 12th December instant, being Sunday, the complainer went to the kirk, called the Little Kirk, in Edinburgh for hearing the sermon, and was sitting quietly and peaceably in the church, "Johne, Bishop of the Yles, comming to the Kirk and perceaving where the compleaner wes sitting he makes his addresse directlie towards him and with ane angrie and boasteous countenance when as the compleaner made him way to goe by him he most despitefullie lifted his neiff thinking with his whole force to have strickin the compleaner on the head, but missing his head he dang aff his hatt in the publict view and sight of the haill people conveenned in the Kirk, who with great greefe recented the scandalous profanatioun of thair kirk upon the Lords holie Sabboth and after such ane shamefull maner as hes not beene usuall in

Complaint by James Crichton of Frendraught against John, Bishop of the Isles, for assault in the Little Kirk, Edinburgh.

Fol. 132, b.

anie of the kirks of Edinburgh." The complainer, however, took with the affront, perswading himself that the Lords would take exemplary order with such an outrage. Both parties compearing and they and witnesses having been heard, the Lords find "That the said defender being going alongs the loft to his ordinarie place and being straited in his passage where the persewer satt, and apprehending that the persewer had of purpose stopped him in his way, the said defender out of his inconsiderat passioun did cast aff the persewer's hatt." In this he has committed a very great offence and scandal, but the defender being "ane ecclesiastick persoun," they remit the censure and punishment of his fault to the Archbishop of St. Andrewes and others of the High Commission. Decreta, January 1630-February 1631. Fol. 132, b. Fol. 133, a.

Counter-complaint by John, Bishop of the Isles, against James Crichton of Frendraught.

Counter complaint by John, Bishop of the Yles, against the Laird of Fendraucht, as follows:—"Upon Sunday last he having according to his usuall maner addrest himselfe to the kirk of Edinburgh for hearing the preaching and going in to his seate where ordinarilie he sitts, and a nomber of gentlemen of good ranke and qualitie being sitting betuix the entrie and his seate they all suffered him peaceablie to goe by thame, and the Laird of Fendraucht amongs others being there, how soone the compleaner come neere to him, he with ane angrie countenance refuised him passage by him, closed the passage with his feit so as there wes no possibilitie to goe by him, and by his indiscreit behaviour" did what in him lay to cause disorder in the kirk, which the complainer "patientlie prevented reserving to the saids Lords the censuring of this offence as they sall thinke meit." Both parties compearing, and they and witnesses being heard, the Lords assoilzie the defender, as the complainer failed to prove any part of his complaint. Fol. 133, b.

Supplication by Sir Alexander Hamilton of Bancreiff anent a question relative to the taxation.

Supplication by Sir Alexander Hamilton of Bancreiff, as follows:—Sir Patrick Hepburne of Wauchtoun as principal, and the Laird of Smetoun Hepburne and Sir Robert Hepburne of Alderstoun, as cautioners, are obliged to pay to the petitioner by their bond an annual rent of 1900 merks, "without anie conditioun of ane principal soume (whilk deis with himselfe)." He had consulted his agents as to whether this annual rent, wanting a stock, was liable to the taxation, and was informed that it was not, and therefore he neglected to give it up. He is loath, however, to leave the matter merely upon the opinion of his advocates, which might unnecessarily draw him into danger, and so he craves that their Lordships will declare their judgment in the matter, and if they find it liable to taxation that they will grant their warrant to him to give up the same yet in inventory and pay thereupon. The Lords find that this annualrent is not of the nature of those subject to the taxation, and exoner the petitioner from all payment of taxation therefor in time coming.

Supplication for protection by Hew

Supplication by Sir Hew Wallace of Craigie, as follows:—He has surrendered in his Majesty's hands *ad perpetuam remanentiam* the bailiary Fol. 134, a.

Decreta, January 1630-February 1631. Fol. 134, a.

of Kyle and regality of Newtoun, for which he is to receive from the Exchequer £20,000. This sum he has destined for relieving and paying off his debts, and desires to prosecute this business but cannot on account of some hornings under which he lies. He therefore craves their Lordships' protection, and this they grant till 15th January next.

Wallace of Craigie that he may pay his debts.

The Lords extend the protection formerly granted to Patrick, Lord Lundores, for his safely attending the Lords of Exchequer about the passing of a security of the lordship of Lundores until 14th January next, as the matter has not yet been discussed.

Protection to Patrick, Lord Lindores.

Fines, 1614-31. Fol. 135, a.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and George Gordon of Newtoun, and George Dempster, his servitor, as follows:—Notwithstanding the laws prohibiting wearing of hagbuts and pistols, convocation of the lieges in arms and challenges to the single combat, John Leith of Harthill, "ane commoun tuilyear and turbulent persoun," who has been often punished for his insolencies by the Council, and put under caution in £5000 to keep the peace, yet continues in his lawless courses. On , "being Witsonday and the Lords Sabboth," when Leith knew that the said John Gordoun was at home in his house of Newtoun, "he associat unto himselffe George Leith of Threefeild, and Adame Abircrombie of Aldrayne who horsed thamselffes with great lances in thair hands and assembled togidder the nomber of threescore persouns or thereby all boddin in feare of warre with swords, Jedburgh stalffes," and other weapons, including hagbuts and pistols, "with whome they come galloping in ane tumultuous and furious maner to the compleaners said place of Newtoun and without respect to the Lord's day brasched up the yetts of his said hous and cried to the compleaner, 'Come out, feeble pultroun, and breake a speir,' otherwayes they threatned to his forder shame to runne at the glove on his greene; and with that the said Johne Leith lighted aff his hors and sett up a glove whereat he being about to rin, the said George Dempster come furth and declared to thame, as the truthe wes, that his maister wes not at home; quhairupoun he fiercelie persewed the said George of his lyfe, ranne him throw the breaches with ane speir, strake him with the butt thairof diverse great straikes on the head, wounded him on diverse parts of his bodie and namelie on the right hand to the effusioun of his blood, and thereafter the said Johne Leith verie barbarouslie and inhumanelie overraid the said George Gordouns nurse with ane barne of three or four yeere old in her hand, quhairby the young barne wes so affrighted that for the space of twa moneths thereafter he wes distracted in his witts. And not content heirwith the saids Johne and George Leiths and Adame Abircrombie raid in a furious maner with drawn swords in thair hands throw the compleaners growing cornes crying, 'Feeble pultroun, come out if thou darre,' with diverse others disgracefull speeches." For this the complainers cited these three persons to answer before the Council, and the complainer came at great expense to keep the diet, but they fearing

Holyrood House, 14th December 1630.

Fol. 135, b.

Complaint by George Gordon of Newton against John Leith of Harthill and others for wearing of hagbuts, for assault, and challenging the complainer to the combat.

punishment obtained the mediation of several gentlemen, who persuaded the complainers to pass from the charge, as the persons accused had promised to behave more peacefully in future. Though the complainer willingly complied, yet as soon as he came home, on 3d September last the said John and George Leith sent Captain John Forbes, otherwise called Captain Tulloch, to his house, who got him to come forth to his parkes and there told him he had come with commission from George Leith of Threefeild "to offer him the combat," and to appoint time and place of meeting. On the complainer declining he delivered the like commission from the said John Leith, and this being also refused, they daily lie in wait for him to take his life. Parties being cited, and pursuers compearing, also Adam Abircrombie and George Leith, defenders, John Leith being represented by the said Adam, who produced a certificate from Dr. William Johnestoun that the said John was "heavilie visite with sickenesse," and Captain Forbes not compearing, witnesses were heard and also the parties, whereupon the Lords find that the said George Leith challenged the said George Gordoun to the combat, and has carried a pistol since harvest last, and commit him to ward in the tolbooth of Edinburgh until he pay a fine of £40 to the Treasurer, etc. They assoilzie Adam Abircrumbie; ordain Captain Forbes to be put to the horn; and direct George Leith and Adam Abircrombie to restore to George Dempster his hagbut, pistol, and whinger.

Fines, 1614-31. Fol. 135, b.

Fol. 136, a.

Caution by Adam Abercromby for George Leith.

Follows an Act of Caution by Adam Abircrombie of Auldrayne in 500 merks that George Leith of Threefeild will not bear hagbuts nor pistols in time coming.

Holyrood House, 14th December 1630. Patrick Ahanna and John Gordon of Auchlane.

"Patrik Ahanna of Kirkdaill and Johne Gordoun of Auchlene and his goodesone ordanit to find lawsouirtie *hinc inde* ather of thame under the pane of ane thousand merkis."

Sederunts, November 1629-January 1635. Fol. 39, a.

Patent to the Earl of Carrick for his earldom.

"The quhilk day the Lord Chancellour delyverit to the Earle of Carrik a patent under the grite seale quhairby his Majestie hes maid the said Earle and the airis maill gottin of his awne bodie Earlis of Carrik; quhilk patent the said Earle reverentlie accepted upoun his knees; and the Lordis ordanis the said Earle to haif the extract of the first Act anent the productioun of the said patent, and ordanis the said Earle to haif his place and precedencye accordinglie."

Fol. 40, a.

Reward of 5000 marks offered for the head of James Grant.

"A proclamatioun aganis James Grant and some of his complices, setting fyve thousand merkis upoun his heade to ony persone that will tak and exhibite him alyve and failyeeing thairof his heade; with a free pardoun for all bigane crymes, treasoun aganis his Majestie and the burning of Frendraught:"[1]

Holyrood House, 14th December 1630. Letter to the Bishop of

"After our verie heartilie commendatiouns to your good Lordship. We have heard and examined M^r George Sempill and Agnes Boyd who hes avowed upon him that she had learned frome him her practises of charming whereanent (as the said M^r George alledges), he being confronted

Royal Letters 1628-33. Fol. 189, b

[1] Thus it stands in the Register, but evidently the word "exceptit" is omitted.

Royal Letters, 1623-33. Fol. 189, b.

with her in the Tolbuith of Glasgow, she resiled fra her depositioun and denyed the same to be of veritie whiche point being contraverted betuix thame we have thought good to recommend to your lordships care the tryell and examinatioun of quhat past or occurred in that bussines the tyme foresaid and thairwithall to remitt unto your lordship to take suche order as your lordship shall thinke fitting for delyverie to be made to the said M^r George of a band of ten thowsand merkes grantit be him and delyvered to the Laird of Mynto for his appearance to his tryell and examinatioun; and becaus the said Agnes is onelie indytted and convict of points of charmeing whiche, however, in the strict rigour and course of justice will be punished be death, yitt we have thought good to dispense with the rigour of law and rather to consult your lordship quhat punishement your lordship sall thinke fitt to be inflicted upon her answerable to the nature and qualitie of her offence. Quhairanent desireing to be certified fra your lordship and expecting your lordship will take that course and order in the remanent points whiche to your lordships care is heirby recommendit we committ your lordship to God. Frome Halyrudhous 14 *Decembris* 1630. *Subscribitur*, Geo: Cancell., Monteth, Hadinton, Wintoun, Linlithgow, Wigtoun, Seafort, Gordoun."

Glasgow anent Mr. George Semple and Agnes Boyd, who are accused of charming.

Acta July 1629-December 1630. Fol. 270, a.

Sederunt.—Chancellor; Treasurer; Privy Seal; Wintoun; Linlithgow; Wigtoun; Seafort; Lauderdaill; Bishop of Dumblane; Lord Gordoun; Lord Carnegie; Lord Melvill; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie.

Holyrood House, 16th December 1630.

"Forsameekle as among the manie treasonable crymes and offences committed be the tratour, James Grant, and his complices they come to the dwelling-hous of M^r Robert Udnie, forciblie entered in his hous, abused him and his familie, threatned thame of thair lyfes and reft frome the honest man aucht thowsand merkes of money and hes thairby drawin him to great miserie, and thairfoir the Lords of Secreit Counsell out of pitie and compassioun of the poore mans estate ordains be thir presents that the fynes to be imposed upon the ressetters and intercommouners with the said tratour, James Grant, and his complices for that caus sall be applyed to the satisfactioun of the losse susteanned be the said M^r Robert by the violent reaffe frome him of the saids aucht thowsand merkes."

Fines imposed on the ressetters of James Grant to be given to Mr. Robert Udny, whom the said James Grant robbed of 8000 marks.

"The Lords of Secreit Counsell gives and grants commissioun and warrand to Williame, Erle of Monteith, president of the Privie Counsell; Thomas, Erle of Hadinton, Lord Privie Seale; George, Erle of Wintoun; Alexander, Erle of Linlithgow; Johne, Erle of Wigtoun; Coline, Erle of Seafort; Johne, Erle of Lauderdaill; Adame, Bishop of Dumblane; George, Lord Gordoun; David, Lord Carnegie; Sir Thomas

Warrant to William, Earl of Menteith, and others, to examine Margaret Tod.

Hope, his Majesteis Advocat; and Sir George Elphinston, Justice Clerk, not excluding anie others of the Counsell, togidder with the Justice Depute, to conveene the morne at nyne of the cloack in the laich Counselhous and to call before thame Margaret Wod, prisonner in the tolbuith of Edinburgh, and to examine and demand her who did seduce her to make the depositiouns whilk she has confest to be false, and as they sall find occasioun to put her to some slight and spaire tortour for the better tryell and discoverie of the truthe of the mater." Acta July 1629-December 1630. Fol. 270, a.

Licence to the chamberlains of the Laird of Frendraught to return home.

"The Lords allowes Mr. John Horne and James Clerk, chamberlans to Fendraucht, to goe home to attend thair awne and thair maisters effaires."

The Laird of Frendraught.

"The whilk day the Laird of Fendraucht promeist the roll of the names of suche persons for quhom he would be answerable, and the names of these for whome he refuised to take burdein."

The same.

"The Lords ordains the Laird of Fendraucht to have his interrogators readie upon Tuisday aganis Johne Meldrum and the rest."

[Sederunt as recorded above.]

Decreta, January 1630-Febrnary 1631. Fol. 134, a.

Holyrood House, 16th December 1630.

Complaint by John M'Crystene of Monkhill and William M'Crystene, his brother, against Patrick Hannay and others for assault and repeated attempts on their lives.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Johne M'Crystene of Monkhill and William M'Crystene, his brother, as follows:—Notwithstanding the prohibition to bear hagbuts and pistols Patrick Hannay, son to Patrick Hannay of Kirkdaill, William Hannay, his brother, Patrick Hannay, son to William Hannay of Kilfillane, Harry and Michael Walker, Johne M'Fadzeane and James M'Birnie, servitors to the said Patrick, all armed with swords, staves and other weapons and the forbidden hagbuts and pistols, on 23d May last, fiercely assailed the said Johne M'Crystene, and pursued him for his life,, the said Patrick Hannay, younger, presenting a "bendit pistolet" at him, which providentially misgave; also on 3rd June thereafter these persons came armed as above to the complainer's lands of Breidfill, and the said William Hannay shot a pistol at him, which he escaped, and then drew another pistol and presented it at him, which happily misgave. Next day Patrick Hannay, elder of Kirkdaill, accompanied with these persons armed as above, came to the said lands of Breidfill and carried away the complainer's sheep and nolt to the town of Wigtoun and threatened the poor men whom they found in the fields keeping his said goods that if ever they found them there again they would "cutt the lugges out of thair heid," so that none dare pasture any goods there. Afterwards the said persons met the said William M'Crystene, feld him to the ground with batons and other weapons, and cut his head in three places to the effusion of his blood. Again on 6th June following, "being Sunday," all these persons armed with guns came to the kirk of Wigtoun purposely to take the complainer's life; and more recently on the of the

Fol. 134, b.

Decreta, January 1630-February 1631. Fol. 134, b.

said month of June the said Patrick Hannay and his said associates, learning that the said John McCrystene was to be at Wigtoun about some necessary business, met in the house of armed

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with guns and pistols of purpose to shoot the complainer, if happily he had not escaped. Charge having been given to these persons, the pursuers compeared personally, and of the defenders the said Patrick Hannay who produced (1) a "testimonial" under the hand of the provost of Wigtoun, the Commissary of Wigtoun, the Laird of Barnbarroch, John Fraser, bailie, and Thomas McKie, clerk of Wigtoun, to the effect that the said William Ahannay and Harie Walker had left the country in the beginning of September last and were presently in Ireland; and (2) the general remission granted by the King with consent of the Estates to his subjects for the breach of some penal statutes in which the said Patrick alleged the bearing of hagbuts and pistols was included. Witnesses were also produced by the complainers to prove the special points of oppression in the libel, but in respect that these failed in their proof, and of the foresaid remission the Lords assoilzie the defenders, and excuse the absence of the said

Fol. 135, b.

William Ahannay and Harry Walker on account of their absence from the kingdom.

Complaint by Katharine Hamilton against James Baillie of Park, her husband, who prevents her from uplifting the half of his annual rents which had been decreed to her by Act of Council.

Complaint by Katharine Hamiltoun, spouse to James Baillie of Parke, as follows:—On 18th February last she obtained decreit before their Lordships ordaining her said husband to infeft her in a legal way in the half of his living of Parke, Auchintibber and Corsbasket, with the burden of the entertainment of their three daughters and payment of the annual-rent of 1000 merks. He has not obeyed the decreet and has been put to the horn accordingly and contemptuously remains thereat, and she has been obliged to take legal proceedings before the Lords of Session against the tenants of these lands for the payment of her half for the year 1629. Owing, however, to collusion between her said husband and his tenants and private pactions between him and other parties, she is unable to derive any benefit from their Lordships decreet unless a certain portion of her husband's estate be definitely apportioned for her support.

Fol. 136 a.

Charge having been given to the said James Baillie and his tenants, but who compeared not, the pursuer, personally present, produced a rental of her husband's lands, showing the names of the tenants and the amount payable by each, and that the rental, including the teind duty paid therefrom, amounted to one hundred and forty-five bolls of meal, forty-one bolls of beir, £48 money, and three dozen and six fowls. This present diet had been appointed for proving the rental, which was done by the production of tenants and their depositions and confessions. The defender being still absent, the Lords find that the rental of his lands is as is stated above, and that the half thereof extending to 74 bolls meal, 19 bolls bear, £24 of money and 33 fowls is due to the pursuer in terms of the foresaid decreet, and they dispone and assign to her

the particular portions of her husband's lands following, the tenants of which they ordain to make payment to her of their maills and duties for the lands occupied by them respectively, viz. :—John Wod, 20 bolls meal, 6 bolls beir and 6 fowls; Jean Hendersoun, 10 bolls meal, 3 bolls beir and 6 fowls; James Littlejohne, 6 bolls meal, 2 bolls beir and 4 fowls; John Porter, 3 bolls meal, 1 boll beir, £16 money and 3 fowls; John Bowman, 20 bolls meal, 4 bolls beir and 8 fowls; James Dick, 2 bolls meal and 2 fowls; John Thomesoun, 13 bolls meal, 3 bolls beir and 4 fowls; John Arbuckill £4 money; and John Wilkie for the Walkmill possessed by him, £4, as part of the duty paid by him. The Lords further authorise the pursuer in case of the refusal of any of these tenants to pay, to eject and remove them, just as if the same were done in her husband's name; declaring that her discharges to them shall be sufficient and shall keep them safe at the hands of the said James Baillie. Moreover, if the said James Baillie shall molest her in the uplifting of these rents she shall have redress against the other half of his lands. And seeing that the said James Baillie has a tack of the teinds of the whole lands granted to him by William, Lord Blantyre, and Mr. David Schairp, parson of Kilbryde, for payment of 20 bolls meal and 6 bolls beir to the said Lord Blantyre, and 5 bolls 2 firlots meal and 2 firlots beir to the said Mr. David Schairp, and that it is just and reasonable that the pursuer should pay the half thereof, they ordain that upon such payment she shall have good right to collect the teinds also of the half of the lands assigned to her without let or hindrance. This the Lords modify to her for the year 1630, without prejudice to her right to sue for what is due to her since the date of the decreet foresaid.

Decreta, January 1630-February 1631. Fol. 136, b.

Fol. 137, a.

Fol. 137, b.

Supplication by Alexander Leslie of Auquhorsk and others for the postponement of the diet anent the burning of Frendraught.

Supplication by Alexander Leslie of Auquhorsk, Alexander Leslie of Elrig, Patrick Leslie of Legatsdene, and Richard Mouat, servitor to the Laird of Pitcaple, as follows:—The Laird of Fendraucht has charged them to find caution for compearing before the Justice on 12th January next for the burning of the place of Fendraucht. In the case of a number of their friends who have been cited for the same cause for the 10th instant, the Lords have been pleased to grant warrant for continuing their summonses to the 21st January, and as it is all one matter, and that those cited for one diet must likewise await the other, they crave that warrant may be given to the Justice, and the Justice Clerk and their deputes, to continue all to the said 21st January. This the Lords grant provided the supplicants find new caution for their appearance that day.

Fol. 138, a.

Caution by Thomas Meldrum of Iden for James Crichton of Frendraught.

Act of caution by Thomas Meldrum of Iden in 3000 merks for the indemnity of James Crichtoun of Fendraucht and his wife, children and household.

Similar act of caution.

Another Act of caution by him in the like sum for Mr. William Meldrum, his son, to the same effect.

Acta July 1629-December 1630. Fol. 270, a.

Sederunt—Præses; Privy Seal; Linlithgow; Wigtoun; Seafort; Melvill; Carnegie; Bishop of Dumblane; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie. Holyrood House, 21st December 1630.

Torture of Margaret Wood postponed.

"The Lords upon good and considerable respects continewis the tortouring and punishing of Margaret Wod, prisonner in the tolbuith of Edinburgh, till the twentie day of Januarie nixt and ordains hir to be deteanned in waird till the said day."

Fol. 270, b.

Protection to Thomas Meldrum of Iden and his son.

"The Lordis of Secreit Counsell [prorogats the] warrand formerlie grantit to Thomas Meldrum of Iden [and Mr. William Me]ldrum, his sonne, for thair compeirance before his Majesteis Justice . . . . burning of the hous of Fendraucht untill the last day of Januar nixt, discharging in the meane tyme all his Majesteis judgeis, officiars and magistrats of all taking, apprehending, warding or arresting the said Thomas and M^r^ Williame Meldrums be vertew of anie hornings or captions quhatsomever, discharging thame thairof and of thair offices in that part during the space aforesaid."

Decreta, January 1630-February 1631. Fol. 139, a.

[Sederunt as recorded above.] Holyrood House, 21st December 1630.

Supplication by John, Earl of Cassillis, that Sir Patrick Agnew of Lochnaw, Sheriff of Galloway, may not act as judge in a certain case in which the said Sheriff has a personal interest.

Supplication by John, Earl of Cassillis, as follows:—Sir Patrick Agnew of Lochnaw, sheriff principal of Galloway, purchased a commission for the apprehension and trial of John M^c^William in Glenluce, who was accused of theft, and whose examination was to be reported to their Lordships. The said John M^c^William, taking guilt to himself, fled, and, as the said sheriff alleges, he associated with himself Thomas and Alexander M^c^Caw, indwellers in Wigtoun, and together they stole a great many sheep out of both Galloway and Carrick. At last the said John

Fol. 139, b.

was taken by the said sheriff, and he has procured a commission for putting him to an assise and for the apprehension of the said Thomas and Alexander M^c^Caw. But their Lordships have been circumvented by the said sheriff in this matter in respect of these M^c^Caws, as they are not indwellers in Wigtoun but the petitioner's tenants of his lands of Aushein, and having recently fallen out with the said sheriff's tenants of Carngarren in which "some ruffles" have taken place between them, the said sheriff has sought this commission to be avenged upon them under colour of law. Being at open hostility with the petitioner and his said tenants, the said sheriff cannot but be a "verie suspect" judge to them. He therefore craves the discharge of the foresaid commission and the appointment of some "unsuspect" persons to apprehend and try them. The Lords discharge the Sheriff of Galloway's commission against the said Thomas and Alexander M^c^Caw and appoint Sir William Cunninghame of Caprintoun, James Chalmers of Gatgirth, and the provost and bailies of Air, or any two of them, Caprintoun or Gatgirth

being one, in his place, and have this day exped a commission to them in the matter; and they ordain letters charging the sheriff, if he should have apprehended these persons, to deliver them over to the said commissioners under pain of horning. Decreta, January 1630-February 1631. Fol. 139, b.

Supplication by Fergus Graham of Blaetwood for protection to appear before the Council on a specified day.

Supplication by Fergus Grahame of Blaatwod, as follows:—He has been charged to compear before thair Lordships this day at the instance of John Gledstains, notary in Dumfreis, but because of some hornings of which his party takes great advantage he cannot with safety appear. If their Lordships will assign a day and secure him for compearing he will let them see how unjustly he is treated by the said John Gledstains, and craves accordingly. The Lords grant him their protection for coming to Edinburgh for the above purpose till 13th January next. Fol. 140, a.

Extension of protection to Sir George Home of Maunderston.

The Lords extend the protection granted to Sir George Home of Manderstoun for the purpose formerly stated [*ante* p. 80] till Candlemas next.

Case of John Neill, accused of witchcraft.

Forsamuch as John Neill, now prisoner in the tolbooth of Edinburgh for witchcraft, has been often examined, and depositions have been given in against him, and it is necessary that witnesses be examined in his case, the Lords grant letters for citing them.

Complaint by John Kennedy in Parkhead and Gilbert Kennedy in Maybole against Alexander Barclay for assault.

Complaint by John Kennedie in Parkheid and Gilbert Kennedie in Maybole, as follows:—On 22nd February, 1627, Alexander Barclay in Maybole lay in wait for them to take their lives, and meeting them in the town of Maybole he chased them with a "long durke," and besides other wounds, he "gave the said Johne ane cruell wound on the head, ane inche and ane halfe deepe, and twa great straikes on the left shoulder neere to the coller bane sevin inche deepe, and siclyke gave the said Gilbert ane great straike upon the backe of his hand and ane cruell wound upon the hinder part of his left shoulder sax inche deepe, to the great effusioun of thair blood and perrell of thair lyfes." Both pursuers and defender compearing, and having been heard, the Lords assoilzie the defender, because the probation being referred by the pursuers to his oath of verity, he declared that being pursued by the said Gilbert Kennedie with a Jedburgh staff "and dung to the ground and in his rysing being strukin over the arme with ane sword be the said Johne Kennedie" in his own defence, he "gave the persewers everie ane of thame ane wound with his whinger." Fol. 140, b.

Caution by John Kennedy for Gilbert Kennedy.

Act of caution in 1000 merks by John Kennedie in Parkheid for Gilbert Kennedie in Maybole that Alexander Barclay in Maybole and his wife, children and household, will be unharmed by him. Fol. 141, a.

Similar act of caution by Gilbert Kennedy for John Kennedy.

Similar act of caution in the same amount by Gilbert Kennedie for John Kennedie to the same effect, and the Lords in both cases discharge their former acts of caution for this purpose found before the Lords of Session.

Sederunts November 1629-January 1635. Fol. 40, b.

"Charges aganis Letterfourie for contravening of his cautionrie." Holyrood House, 21st December 1630.

"Charges aganis the Marques of Huntlie as his landislord and maister for exhibitioun of him." Laird of Letterfourie. Marquis of Huntly.

"That letters of horning be direct aganis Letterfourie dischargeing him to repaire to Badyenauch." Laird of Letterfourie.

"Proclamatioun aganis James Grant." James Grant.

"Proclamatioun aganis Egiptianis." Gipsies.

Fol. 41, a.

"Ane Act anent the changeing of some mercatis in the north." Changing of Fair Days in the North.

Acta July 1629-December 1630. Fol. 270, b.

Sederunt—President; Privie Seal; Murrey; Seafort; Lauderdaill; Bishop of Dumblane; Melvill; Carnegie; Tracquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie. Holyrood House, 23rd December 1630.

"The whilk day the Erle of Murrey reported to the Counsell that he wes certified be some of the Clan Chattan whome he had imployed in taking of James Grant that they had tane the said James alyve shott with sax arrowes, and that sax of his men wer killed and sax takin, quhilk the Lords acknowledged as acceptable service and ordained ane missive to be writtin to acquaint his Majestie thairwith, of the whilk the tennour followes:—Most sacred Soverane, May it please your Majestie be informed that this 23 day of December 1630, whilst we wer at Counsell, the Erle of Murrey did returne unto us frome that great service undertaken by him aganis the rebellis in the north and made report of his apprehensioun of the archerebell, James Grant, and of sax of his complices and of the slaughter and cutting aff of other sax of his associats who wer killed in the conflict betweene the said Erles men and the saids rebellis; and the newes wer so acceptable unto us and the service of so high esteeme as we cannot in dewtie bot represent the same unto your Majesteis gracious approbatioun and princelie respect of it; and the rather becaus the north of this your kingdome hes beene extremelie infested by the saids rebellis these manie yeeres bypast, they having with a high hand undone manie of your Majesteis good subjects by burning, killing and robbing without controll, to the high contempt of your Majesteis auctoritie and disgracefull neglect of the present governement heere; and though for repressing of the saids notorious and dangerous rebelliouns we had directed diverse commissiouns and propounded great rewards for the heads or apprehensioun of these rebellis, yitt by experience we have found that the said noble Erles expensefull and active endeavoures and panes takin both by night and day and with the hazard of his freinds and followers hes so fullie and valiantlie performed that service as we darre affirme unto your Majestie that his lordship hes both deserved thankes and rewarde and the good opinioun of your Majestie and your loyall subjects, who now ar hopefull to be freed frome their wounted feares and dangers under whiche they have Capture of James Grant.

Letter of Council to his Majesty announcing the capture of James Grant.

long groanned with thair great losse and prejudice, as having beene long as in a hostile maner preyed upoun, almost to the utter waisting of that countrie, and to the great terrour of all the neighbouring countreyes about. And whensoever the said archerebell and his apprehendit complices sall be brought unto us we sall endeavoure diligentlie to inquyre of thair harbourers, mainteaners, abaters and releevers, that they with thame may receave thair dew punishement according to the purport of your Majesteis lawes and statuts in suche caises provided, and thereafter we sall give your Majestie suche trew notice thairof fra tyme to tyme as may best beseeme the dewteis of our place and the trust whiche your Majestie hes reposed in us. And so praying[1] [God to bless your Majestie with a long and happie raigne, we rest, etc.] Halyrudhous, 23 *Decembris* [1630]. *Subscribitur*, Dupline, Monteith, Hadinton, Seafort, Tracquair, Ad. B. of Dumblane, Arch. Achesone, Hamiltoun, S. Thomas Hope, S. G. Elphinstoun." Acta July 1629-December 1630. Fol. 270, b.

Commission to William, Earl of Menteith, President of Council, and others to apprehend and try Duncan M'Eane Dow M'Paul and others, members of broken clans, and guilty of robbery and violence.

"Forsameekle as the Lords of Secreit Counsell hes receaved sure informatioun frome some noblemen, barons and gentlemen in Stratherne and Monteith, that the persons particularlie underwrittin, they ar to say, Duncane M^cEane Dow M^cPaul, Johne Romach M^cPaul, his brother, Duncane Gow M^cGregour M^cPhatrik, Patrik Malcome and Johne, his brother, Duncane Levir M^cCoull, Gregour M^cCoull, sonne to Malcolme M^cGregour in Glengyle, Malcolme Oig M^cCoull M^cGregour, sonne to Patrik M^cGillicallum, Duncane Lean M^cPatrik Dow M^cGregour, Patrik M^cGregour . . . torn . . . M^cGregour sonne to Patrik Dow M^cIncotter, Alaster Cass . . . . . Our M^cGregour, Patrik M^cGregour Veg, Donald M^cEan Dowla . . . . . rist M^cCondochie M^cIlgarith in Arkyle, hes of lait brokin louse . . . . . themselffes nombers of brokin and lawlesse lymmars of the Clan Gregour and other brokin clans in the Hielands, who by the force of his Majesteis royall auctorite wer some few yeeres bygane reduced to the obedience of law and justice, hes now begun to renew thair accustomed and wicked trade of thift and stouthreafe whairin nombers of thair wretched and miserable predecessours endit thair lyfes, and they goe in sorning and in troupes and companies athort the heads of Monteith and Stratherne where they not onelie committ privie stouthes bot opin reaffes and heirships, and threatens with fire and sword suche of his Majesteis goode subjects aganis whome they beare querrell and who preasses to oppose and resist thair theevish and lawlesse doings, quhairthrow the peace of the countrie is farre disturbed and his Majesteis goode subjects heavilie distrest in thair persons and goods to the great contempt of law and justice and disgrace of his Majesteis auctoritie and governement. And whereas it is ane great discredite to the countrie that suche ane imfamous byke of lawlesse lymmars sall be suffered to breake louse as if his Majesteis arme Fol. 271, a.

[1] There is another copy of this letter recorded in the volume of Royal Letters, and the words in brackets are given from it.

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of justice wer not able to overtake thame, thairfore the Lords of Secreit Counsell hes givin and grantit and be thir presents gives and grants full power and commissioun to Williame, Erle of Monteth, President of his Majesteis Counsell and Lord Cheefe Justice of this kingdome; James, Erle of Murray; Johne, Erle of Athole; Johne, Erle of Perth; Mungo, Maister of Stormont; Sir Duncane Campbell of Glenurquhie; Coline Campbell, appeirand thairof; Sir James Campbell of Lawers; Sir George Mushet of Burnebanke, Robert Campbell of Glenfallach, Thomas Grahame of Douchall, Johne Grahame of Rednick, Campbell of Glenlyoun, James Stewart, Stewart depute of Monteth, Johne Grahame of Polder, Williame Grahame fear of Boquhappill, Patrik Campbell, sonne to Glenurquhie, Duncane M^cRobert Stewart in Balquhidder, and David Muschat of Calliquhat, whome the saids Lords alsua makes our soverane Lords justices in that part conjunctlie and severallie, to convocat his Majesteis lieges in armes and to pas, searche, seeke, hunt, follow and persew with fire and sword the brokin and lawlesse lymmars abonewrittin where ever they may be apprehendit, and to putt and deteane thame in sure waird ay and whill justice be ministrat upon thame conforme to the lawes of this kingdome; and for this effect with power to the saids justices and commissioners or anie three of thame provyding that anie one of the noblemen abonewrittin and the Lairds of Glenurquhie, elder and younger, and the Laird of Lawers be twa of the three, to fence and hold courts and to create officiars and members of court neidfull, and in the same courts the persons foresaids and suche of thame as sall be apprehendit to call, be dittay to accuse and thame to the knowledge of ane assise to putt, and as they sall happin to be found culpable or innocent of the crymes of slaughter, murther, theft, stouthreafe or sorning, to caus justice be ministrat upon thame conforme to the lawes of this realme, assyses neidfull for this effect, ilke persoun under the pane of fourtie punds, to summound, warne, choose and caus be sworne; and if it sall happin the saids lymmars or anie of thame for eshewing of apprehensioun to flee to strenths and houses, with power to the saids commissioners, conjunctlie and severallie, to pas, follow and persew thame, assiege the saids strenths and houses, raise fire and use all kynde of warrelike ingyne that can be had for recoverie thairof and apprehending of the lymmars being thairin; and if in persute of thame or anie of thame, they refuising to be takin or assieging the saids strenths and houses, it sall happin thame or anie being in companie with thame or within the saids strenths and houses to be hurt, slane or mutilat, or anie other inconvenient thairupon to follow, the said Lords declaires that the same sall not be impute as cryme nor offence to the saids commissioners nor persouns assisting thame in the executioun of this commissioun, nor they nor nane of thame sall be callit, nor accused thairfoir criminallie nor civillie be anie maner of way in tyme comming, notwithstanding whatsomever acts, statuts or proclamatiouns made in the contrair,

whereanent the saids Lords dispenses be thir presents, exonering thame thairof and of all pane, cryme or danger they may incurre thairthrow . . . . . be direct charging officiars of armes to make publicatioun . . . . . at all places neidfull whairthrow nane pretend ignorance of . . . . . command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, rise, concurre, fortifie and assist the saids commissioners, conjunctlie and severallie, in all things tending to the executioun of this commissioun and to doe nor attempt nothing to the hinder or stay of the same, as they and everie ane of thame will answer upon the contrarie at thair highest perrell. This commissioun ay and whill it be speciallie discharged to indure." Acta July 1629-December 1630. Fol. 271, b.

Commission of Sheriffship of Moray granted to Dunbar of Grange.

" Forsameekle as the commissioun of shirefship grantit to Simon, Lord Fraser of Lovat, within the bounds of Elgine and Forres, is now expyred upon the first day of August last, and the Lords of Secreit Counsell understanding the good and worthie dispositioun of Dumbar of Grange towards the forderance and advancement of his Majesteis service, and that he will behave himselfe with that respect whilk is answerable to the trust of ane shireff within the bounds foresaids, thairfoir the saids Lords hes made and constitute and be the tennour heirof makes and constituts the said Dumbar of Grange shireff principall of the shirefdome of Elgine and Forres, and gives, grants and committs unto him the office thairof, with all fees, dewteis, escheits, unlawes and forefeyts belonging thairto siclyke and with als great freedome and auctoritie as anie his predecessours in the said office hes or might have lawfullie done at anie tyme heeretofore; shireff courts within the burrowes of Elgine and Forres and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinzie, and to proceid and minister justice in all and sindrie actiouns and causes criminall and civill proper and competent to the said shireff, and to give decreits and sentences thairupon, and to caus the same decreits and sentences receave executioun accordinglie; breeves of our soverane lords Chancellarie of whatsomever nature direct and to be direct unto the said Shireff, to receave, opin and caus be proclamed, and accordinglie to be putt to executioun, assyses and witnesses als oft as neid beis, ilke persoun under the usuall and accustomed panes, to summound, warne, choose and caus be sworne, deputs under him in the said office with officiars, serjants, dempsters and all others officiars and members of court neidfull to make, create, substitute and ordaine, for whome he sall be haldin to answere; with power alsua to the said shireff to aske, crave, receave, intromett with and uplift his Majesteis castellwairds, blenshe dewteis and others entreiss of free tennents within the bounds of the said shirefdome and if neid beis to poynd and dis-

Acta July 1629-December 1630. Fol. 271, b. treinzie thairfoir and to make compt thairof in the Exchecker, and to receave the mustours and weaponshawings of the inhabitants within the said shirefdome at suche tymes as sall be appointed thairto be his Majesteis lawes and proclamatiouns, and to unlaw and punishe the absents accordinglie; as alsua to raise and conveene the inhabitants within the said shirefdome at all tymes and occasiouns needfull for the forderance and advancement of his Majesteis service and persute of his Majesteis trators, rebellis and disobedient persouns; and generallie all and sindrie others things to doe, exerce and use quhilks ar proper and competent to the office of a shireff and quhilks of law and consuetude of this realme ar knowne to apperteane. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; and ordains letters to be direct charging officiars of armes to pas and make publicatioun heirof at the mercat croce of Elgine and Forres and others places neidfull Fol. 272, a. whairthrow nane pretend ignorance of the . . . . . charge all and sindrie his Majesteis lieges and subjects to reve . . . . . rise, concurre, fortifie and assist the said shireff and his deputs . . . . . to the executioun of this commissioun, and to doe nor attempt nothing to thair prejudice nor hinder as they and ilke ane of thame will answere to his Majesteis Counsell upon the contrarie at thair highest charge and perrell. This commissioun to the first day of August in the yeere of God j^{m}vj^{c} and threttie twa yeeres to indure."

Commission to George, Lord Gordon, and others to produce before the Council, in connection with the burning of Frendraught, Robert Crichton of Conland and others.

"Forsameekle as for the better cleering and discoverie of the burning of the place of Fendraucht it is thought that the persons underwrittin can give some light and informatioun thereanent, and whereas James Crichton of Fendraucht being burdenned with the entrie and exhibitioun of thame to thair examinatioun as persons whome he aucht to answere for he hes declynned the answering for thame, and thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to George, Lord Gordoun; Williame, Lord Hay; Arthour, Lord Forbes; and James, Lord Desfurde, conjunctlie and severallie, to pas, searche, seeke and take Robert Crichtoun of Conland, Williame Robertsone, servitour to Robert Somervell, Fendrauchts man, Johne Bewlie, sonne to Robert Bewlie, and Williame Bucke, alsua his servant, James Meates, fisher, George Hempseid, schoolemaister,
Fraser, skudler [*i.e.* scullion] in Fendraucht, Alexander Jacke, greeve there,
Williame Robertsone, Androw Home, James Forbes, footman there,
Jacke and Turnour, kitchine boyes in Fendraucht, Marioun Learmonth, wardropper, Christiane Turroun, Christiane Clerk and Margaret M^{c}Kiesone, servants in Fendraucht, George Abircrombie, servitour to Johne Beatoun, Johne Robertsone, servitour to George Chalmers, Robert Fraser, servant in Fendraucht, Johne Chalmer, brother to George Chalmer, footman,
Andersone, poist, James Wishart, pleasant, where ever they may be apprehendit and to bring, present and exhibite thame before the saids

Lords to be examined upon the burning foresaid, and all things necessar for thair apprehensioun to doe and use quhilks of law and consuetude of this realme ar knowne to perteane. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin. This commissioun untill the fyftene day of Februar nixt to indure." Acta July 1629-December 1630. Fol. 272, a.

Charge to George Chalmer in Noth and others to appear before the Council and give evidence anent the burning of Frendraught.

"Forsameekle as for the better discoverie of the burning of the place of Fendraucht necessar it is [that] the persouns particularlie underwrittin, who ar thought can give some light and informatioun thereanent be examined before the Lords of his Majesteis Privie Counsell concerning this mater, thairfoir ordains letters to be direct charging the saids persouns, they ar to say, George Chalmer in Noth, M^r Harie Seatoun of , George Davidsone, sonne to Janet Moresone, Alexander Leslie in Ernhill, Adame Strauchane there, Thomas Burnett of Camphell, Androw Burnet, his brother, M^r Gilbert Keith, minister at Bourtrie, James Blacke there, Williame Garioch of Tillichechlie, M^r Thomas Melvill, minister at Dyce, Williame Ogilvie, brother to the Lord Ogilvie, Fraser, his servant, Alexander Gardin in Murealehous, Johne Gordoun in Leyludge, M^r Johne Reid, minister at Taulen, David Duncane, servant to Peter Rollock, to compeir personallie before the saids Lords upon the day of to depone sua farre as they know or sall be speirit at thame concerning the mater foresaid under the pane of rebellioun, etc., with certificatioun, etc."

Charge to the Laird of Frendraught to produce Captain Peter Rollock and others before the Council on the 25th January to give evidence anent the burning of Frendraught.

"Whereas the Laird of Fendraucht hes undertane to be answerable for exhibitioun of the persouns underwrittin before the Counsell upon the 25 day of Januar nixt to be examined anent the burning of Fendraucht, they are to say, Captane Peter Rollock, George Crichtoun, younger of Creichie, Robert Spence of Tullo, George Spence, his sonne, Johne Beaton . . . . . atoun, Alexander Alschonner, Thomas Jose, Alexand . . . . . er Moresone, pundler [*i.e.* poinder], George Gawine, Johne Gib, Johne . . . . . Chalmer, and James Johnestoun, greeve; thairfoir intimatioun wes maid to the Laird of Bamf, who compeired and excused the absence of the Laird of Fendraucht, that the Lords had appointed the twentie fyft of Januar to the Laird of Fendraucht for exhibitioun of the saids persouns or productioun of a testimoniall of thair sicknesse; and the Lords reserves to thameselfes the consideratioun of the unseasonable weather and other reasonable excuses." Fol. 272, b.

Lady Frendraught.

"The Lords allowes the Ladie Fendraucht to goe home and dispenses with her compeirance till she be chargit of new."

Magdalene Inneis.

"The quhilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Robert Inneis of that Ilke and actit himselfe and undertooke to exhibite Magdalene Inneis before the Counsell upon the 25 of Januarie nixt, wedder serving."

Robert Bewlie to be examined anent the

"The whilk day Robert Bewlie compeirand before the Counsell and being sworne declared that he wes not able to find cautioun and thair-

Acta July 1629-December 1630. Fol. 272, b.

foir actit himselfe to compeir before the Counsell upon the twentie ane day of Januarie now approacheing to be examined anent the burning of Fendraucht under the pane of fyve hundreth merkes." burning of Frendraught.

"The Lords of Secreit Counsell gives and grants warrand and commissioun to the Bishop of Dumblane, Clerk Register, Advocat, Justice Clerk and Justice Depute, with suche of the Counsell as sall be in toun, to examine Johne Meldrum and others prisouners in the tolbuith in the vacant tyme upon suche interrogatouris as sall be givin in aganis thame." Commission for examination of John Meldrum.

"The Lords ordains the Clerk of Register to delyver to the Shireff Clerk of Beruick the registers of the shirefdome of Beruick being in his hands." The Registers of the Sheriffdom of Berwick.

"Forsameekle as the persons underwrittin, they ar to say, Magdalene Wod, spous to Leslie of Kincragie, Jonnet Wod, spous to Johne Gordoun of Bountie, Marjorie Malcolme, spous to Mathow Alexander in Turreff, Barbara Gardin, spous to , Gordoun, spous to M^r^ Robert Bissat of Lessindrum, Issobell Strauchane, spous to Johne Spence in Brunstane, and , spous to Johne Gordoun at the Mylne of Rathven, ar not onelie profest and avowed Papists and excommunicat be the orders of the Kirk for that caus bot with that they are denunced his Majesteis rebellis and contemptuouslie lyes at the horne unrelaxt, and to the forder contempt of law and justice and of the orders and discipline of the Kirk they ar commoun ressetters, hoorders and interteanners of Jesuits and messe preists and traffiquing Papists, heares messe of thame and otherwayes lives after ane most scandalous and offensive maner and by thair ill exemple encourages others to show the lyke ressett, supplee and confort to the saids jesuits, preists and traffiquing Papists; and whereas be the lawes of this kingdome the husbands aucht to be answerable for thair wyffes and sould make thame answerable and obedient to law and justice, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the weomen particularlie abone-
Fol. 273, a. writtin to compeir personallie, as alsua thair saids [husbands] . . . . . and exhibite thame before the saids Lords at ane certane . . . . . may be tane with thame for thair excommunicatioun and . . . . . under the pane of rebellioun and putting the foresaids haill persouns to the horne, with certificatioun, etc." Charge to Margaret Wood and other Papist women to appear before the Council together with their husbands.

Decreta, January 1630-February 1631. Fol. 141, a.

[Sederunt as recorded above.]

Holyrood House, 23rd December 1630.

Supplicatioun by Alexander Hamilton of Bancreiff, as follows:—The following annual rents are due to be paid to him during his liferent, viz.,—by James Wauchop in Crichtoun as principal and Adam Wauchop of Caikmure as cautioner, £100; Lord Halyrudhous as Supplication by Alexander Hamilton of Bancrief to be relieved of the

taxation of certain of his annual rents.

principal and Adam Bothwell and Mr. James Aikenheid as cautioners, 500 merks; the Laird of Innerleith as principal and Sir Robert Hepburne, knight, as cautioner, 800 merks; George Aitkine of Underedge as principal and George Purves, clerk of Dunbar, 100 merks; Mr. George Winrahame, fiar of Libbertoun, 80 merks; William Fairlie in Edinburgh, as principal, and Mr. William King and Mr. David Heriot as cautioners, £80; Mr. William Spence, Master of the Grammar School in Prestoun, 35 merks; and Sir James Richardsoun of Smetoun and Robert Richartsoun of Pencaitland, his brother, 700 merks; but these are not the kind of annual rents which are subject to taxation seeing they want a stock, and the rent dies with the petitioner. He therefore craves that their Lordships will grant him their declaration that these are not subject to the taxation on annual rents; and this their Lordships do, and free him of all payment of taxation for them in time coming. Decreta, January 1630-February 1631. Fol. 141, b.

Continuance of protection to John Stewart of Coldingham.

On a petition by John Stewart of Coldinghame, the Lords extend their protection formerly granted to him for transacting the business between him and Robert Dowglas of Blaikester and Alexander Cranstoun of Morestoun, which expires on 25th instant, to the last day of February next. "He hes not beene ydle bot hes used all the diligence he could" to end matters, "bot he hes beene so farre shifted and putt aff be thame with impertinent and ydle delayes as he cannot gett his effaires outred in this sessioun." Fol. 142, a.

Continuance of protection to Sir David Livingstone of Dunipace.

Supplication by Sir David Livingstoun of Donypace, John Livingstoun, his son, and David Barclay of Maders, as follows:—The said Laird of Donypace has been most anxious during the period of his protection to satisfy his creditors, and for this purpose has entered into negotiations with some persons of quality for a sale of his lands, but these have been interrupted on account of the absence of the said David Barclay, who is an interested party. He has, however, now come to town, and is willing to concur, and as consultation with lawyers and a considerable time will be necessary, they crave an extension of the former protection. This the Lords grant until the last day of February next.

Protection to Mr. Matthew Crawfurd.

The Lords extend their protection formerly granted to Mr. Matthew Crawfurd, brother to the Laird of Lochnoreis, for coming to this kingdom and dealing with his creditors, till the last day of February next. Fol. 142, b.

Holyrood House, 23rd December 1630. Letter of Council to his Majesty anent the Earl of Seaforth and the Isle of Lewis.

"Most sacred Soverane, According to your Majesteis princelie direc- tiouns send downe be way of article in July last we haif often conferred with the Earle of Seafort concerning his Yle of the Lewis, and we haif likewayes ressaved and perused his particular [*sic*] and rent roll thereof heirwith sent unto your Majestie whiche he undertaketh to be truelie sett downe within the value; and as his predicessours and he haif bene at verie grite trouble and chargis in purchassing and secureing the title of the said Yle and in planting and civilizing thereof, yea even with the bloode Royal Letters, 1623-33. Fol. 190, b.

Royal Letters, 1623-33. Fol. 190, b.

and losse of mony of his freinds and followaris, so he hopeth and expecteth, and we do not doubt bot your Majestie will deall graciouslie with him, for suche a pairt of the said Yle as your Majestie may be pleased to think most meit and convenient for a staple burgh or plantatioun fitt to be establised there for advanceing that grite intendit worke of the fisheing whiche in our opinioun may be als weele performed by a pairt of the said Yle as by the whole and with les chargis to your Majestie; and since we haif found the nobleman everie way inclynnable to your Majesteis just desires, so we cannot but give testimonie thereof unto your Majestie, recommending him unto your Majesteis owne princelie favour to be rewarded and satisfied as his cariage and the thing desired may seame best to deserve in your Majesteis owne princelie judgement and opinioun. And so, etc. Halyrudhous, 23 *Decembris* 1630. *Sic subscribitur*, Menteith, Hadintoun, Lauderdaill, Dumblane, Melvill, Carnegy, M^r^ Elphinstoun, Ard. Achesoun, Hamiltoun, S^r^ Tho. Hoip, Justice Clerk."

Acta July 1629-December 1630. Fol. 273, a.

Sederunt—Chancellor; President; Privy Seal; Murrey; Tracquair; Archibald Achesone; Clerk Register; Advocate. Holyrood House, 24th December 1630.

Commission to Sir Robert Innes of that Ilk and Dr. Arthur Johnston to examine James Grant and his accomplices.

"The Lords of Secreit Counsell gives and grants warrand and commissioun by these presents to Sir Robert Inneis of that Ilke and Doctour Arthure Johnestoun, conjunctlie and severallie, to pas and make thair addresse with all convenient diligence towards James Grant and his complices, being now prisoners, and to examine thame upon all secreit plotts and practices past betuix thame and anie of his Majesteis subjects tuicheing thair assistance for disturbance of the publict peace and upon all treasonable exploits, treatises, conferences and consultatiouns anent whatsomever heirships, fyre raisings and depredatiouns committed by him or his complices or be thair knowledge or whairunto he or they have beene accessorie, and upoun thair recepters, abbettours and upon thair places of recept, and als to examine thame upon all suche heades and articles concerning his Majesteis peace and weele of the kingdome, according to the instructiouns givin unto thame be word or writt, and conforme to the trust reposed in thame be his Majesteis Counsell, and to report thair depositiouns under thair hands to the saids Lords; and als to have ane speciall care that the said James Grant and his complices how soone they ar able to travell may be saulfelie transported and exhibite before his Majesteis said Counsell."

"This booke beginnes upon the fyft day of Februarie 1628 and ends upon the 24 day of December 1630.—J. PRYMROIS."[1]

Decreta, January 1630-February 1631. Fol. 142, b.

Supplication by James Crichtoun of Polcake, as follows:—He is indebted to several persons in small sums of money and is willing to give them assignations to certain sums due by other persons to him, but with the purpose of ruining him they intend to debar him from the

Holyrood House, 24th December 1630. Protection to James

[1] Note and signature at the end of Volume of Acta.

Crichton of Polcak.

benefit of the law against his creditors and so disappoint themselves of satisfaction. They daily threaten him with captions, whereas if he had some short time of liberty he could take some course for their payment. He therefore craves their Lordships' protection, and this they grant until the last day of February next. Decreta, January 1630-February 1631. Fol 142, b.

Holyrood House, 27th December 1630. Letter of Council to ——— desiring him to examine James Grant, who is severely wounded and may die.

"After our verie heartilie commendatiouns to your good lordship. Yow have heard, we doubt not, of the apprehensioun of the tratour James Grant and some of his complices, who hes so long runne louse and committed so manie treasounable attempts to the disgrace of his Majesteis governement and to the hurt of his Majesteis good subjects; and whereas he wes hurt in the taking and it is feared that his hurts will perrell his lyfe, quhilk will be a great hinder to the discoverie and detecting of his treasonable exploits and of his abettours, counsellours and assisters, we cannot be answerable to his Majestie if all possible meanes be not used to have him examined before he be prevented by death. And knowing your lordships good affectioun to his Majesteis service and there being none other of his Majesteis Counsell in these parts whome we can intrust with this bussines, we are thairfoir moved to lay the burdein thairof upon your lordship, and earnestlie requeist your lordship that with all convenient diligence yow make your addresse toward the said James and his complices and to examine thame upon all secreits, plotts and practises past betuix thame and anie of his Majesteis subjects tuicheing the disturbance of the publict peace, and anent the fireraisings, heirships and depredatiouns committed be him and his complices or by his knowledge or whairunto they have beene accessorie, and upon thair ressetters and abettours and places of thair ressett, and upon suche other things as your lordship in your awin discretioun sall thinke meit to demand of him; we have appointed the Laird of Inneis and Doctour Johnestoun to concurre and joyne with your lordship, who will be readie to attend your lordship and to follow your lordships advice and opinioun in this great earand quhairin the king and the countrie hes so great interesse; and when yow have endit thair examinatiouns yow sall sett thair depositiouns doun formallie in writt and returne the same closed and sealed to us with convenient diligence; and looking that your lordship will use all the haist that goodlie yow may in this bussines, quhilk his Majestie will accompt as most acceptable service, we committ your lordship to God. From Halyrudhous, 27 *Decembris* 1630. *Subscribitur*, Dupline, Monteth, Hadinton, Dumblane, Hamiltoun, S^r^ Thomas Hop." Royal Letters, 1623-33. Fol. 190, b. Fol. 191, a.

Holyrood House, 11th January 1631.

Sederunt—Chancellor; President; Privy Seal; Murrey; Wigtoun; Linlithgow; Bishop of Dumblane; Lord Tracquare; Secretary; Clerk of Register; Advocate; Justice Clerk. Acta January[1] 1631-May 1632. Fol. 36, a.

[1] The first 35 folios of this Volume of the Register are occupied with Minutes of a Convention of the Estates, 28th July 1630-7th September 1632, and which are printed in the Acts of the Parliaments of Scotland, Vol. V., pp. 208-246.

Acta January 1631-May 1632. Fol. 36, a.

"The Lords of Secreit Counsell ordains letters to be direct charging Captane David Robertsone, burges of Dysart, to compeir personallie before the saids Lords upon the first day of Marche nixt and to bring, present and exhibite with him before the saids Lords the letters of reprysall grantit to him be the Kings Majestie by his letters patent under the great seale to be seene and considderit be the saids Lords, and to the intent the saids Lords may take suche order thereanent as accords, under the pane of rebellioun, etc., with certificatioun, etc." Charge to Captain David Robertson of Dysart to appear before the Council and bring with him his Letters of Reprisal.

"The whilk day Thomas Robesone, jaylour of the Cannogait, wes by directioun of the Lords of Privie Counsell committed to waird in the tolbuith of Edinburgh for suffering of persouns to have accesse and conference with Johne Toshauche, who wes ordained to have beene keeped closse prisonner within the tolbuith of the Cannogait." Thomas Robson, jailor of the Canongate, committed to ward.

"The whilk day M^r^ Williame Haig, M^r^ Lewes Steuart, and M^r^ Alexander Hay compeirand personallie before the Lords of his Majesteis Counsell and being demanded if the Lord Chanceller dealt with M^r^ Haig to relinquishe the motioun made be him to his Majestie anent the taxatioun, and that he promeist that he would procure the whole Counsell to joyne with him in obteaning a rewarde frome his Majestie for his paines, they all three and everie ane of thame denyed the same to be of veritie and declared that M^r^ Alexander Hay out of his love and kyndenesse to M^r^ Haig a day after thair meiting with the Chanceller advysed M^r^ Haig to leave that bussines and that he would deale with the Chanceller to be his freind; and depons forder that not being satisfied with M^r^ Haigs grounds they intreatted the Chanceller that the answere to his Majesteis letter might be conceaved fairlie, and that since there wes ane mistaking in M^r^ Haig, who intendit the good of his Majesteis service, that he might have some rewarde for his paines, quhairunto the Chanceller answered that the Counsell would write thair owne answere, and as for ane rewarde, he would not be ane unfreind to M^r^ Haig, bot his propositiouns deserved rather a punishement." Mr. Haig and the Lord Chancellor. See *ante*, p. 71.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 143, a.

Holyrood House, 11th January 1631.

Complaint by Thomas Mitchell in Newy, as follows:—On 10th April last Robert Stewart of Tombey and others armed with swords and other weapons, came by way of hamesucken to the complainer's dwelling house, broke up the doors, and entering, wounded the complainer and his wife and children "with great rungs to the effusioun of thair blood," took away 30 bolls of oats and 10 bolls of bear, which were in the barns, interfered with the whole stuff in the house and took it away, and finally thrust the complainer and his wife and children out of their said house, and will not suffer them to remain in the country. Both pursuer and defender appearing and they and Complaint by Thomas Mitchell against Robert Stewart of Tombey and others for assault and robbery.

witnesses having been heard, the Lords assoilzie the defender for want of sufficient proof. Decreta, January 1630-February 1631.

Supplication by Sir Hew Wallace of Craigie for protection to himself and others.

Supplication by Sir Hew Wallace of Craigie, knight baronet, as follows:—Their Lordships granted to him their protection for coming to Edinburgh and dealing with the Lords of the Exchequer for the surrender of his office of bailiary of Kyle Stewart and regality of Newton for £20,000, which expired on . He is most anxious to complete the business so that the said sum may be assigned for satisfaction of his creditors, and he therefore craves an extension of his protection both to himself, and to William Wallace of Ellerslie, William Wallace of Preistikschaw, Robert Wallace of Barnweill, Robert Wallace of Brighous and John Tait of Adamehill, who are engaged as cautioners for him to David Cuninghame, servitor to his Majesty, for 4500 merks; the said William Wallace of Ellerslie, Mr. John Hamiltoun, minister at Cragie, Andrew Crawfurd of Drings, Mr. John Chalmers of Poquharne and Paul Glover of Trinitieland who are engaged as cautioners for him to Nicol Edzer, merchant burgess of Edinburgh, for 2000 merks, and to William Cuninghame of Drongins for 500 merks; and the said William Wallace of Ellerslie, Robert Wallace of Barnweill, John Wallace of Sheillis, James Wallace of Dulleres and Andrew Crawfurd of Drings, who are engaged as cautioners for him to Robert Smith and William Gray, merchants in Edinburgh, for about 500 merks. The Lords grant the protection craved to these persons till 31st March next. Fol. 143, b.

Supplication by Marion Watson in Lykitsheuche that she may be relieved from underlying the law on certain charges which she specifies.

Supplication by Marion Watsoun in Lykitsheuche, David Mureheid, her son, and John Mairshell, her servant, as follows:—They are charged at the instance of Sir David Livingstoun of Donypace to appear before the Justice on the 12th instant to underlie the law for "thair alledgit thifteous drawing of his teind stackes and away taking furth thairof twelfe bollis aitts, and for thair alledgit stealing and away taking furth of thair lyme kills fourescore bollis of brunt and made lyme." Now, there should no process be granted in this matter, because (1) the corn wherewith they are charged does not belong to the said Laird of Donypace but to the Earl of Linlithgow, in whose behoof it was sequestrated and stacked in the supplicants' barnyard; (2) the said Earl had already summoned the supplicants in this matter before the baron bailie of Donoven by whom they were sentenced for the same and had come in his Lordship's will, and so the matter being *res judicata* it cannot be brought to a second hearing; and (3) with regard to the lime, by the terms of the contract of wodset of the lands of Bankend which the said David Mureheid holds of the said Laird of Donypace, and by a particular warrant which the said Marion has from the said Laird to that effect, the supplicants have right "to winne and transport lyme for the use of the saids lands." They therefore crave that their Lordships would discharge the Justice, Fol. 144, a.

Decreta, January 1630-February 1631. Fol. 144, b.

Justice Clerk and their deputes from proceeding with this accusation against them, and the Lords, having seen the contract, warrant and rolment of court referred to, accede to the prayer of the petitioners.

Supplication by Mr. Joseph Lawrie, minister at Stirline, as follows:—He was summoned to appear before the Lords of his Majesty's High Commission on 15th December last, but was unable to attend on account of "the heavie sickenesse and visitatioun of his familie." This he duly intimated to the Archbishop of St. Andrews, yet the said Lords proceeded against him in his absence and discharged his provision, and he is now ordained to ward himself within the city of Glasgow within three days after the 15th instant on pain of horning. He therefore craves that their Lordships will continue his entry into the said ward until the end of this winter season, especially as he has urgent legal affairs to attend to here, and he promises to remain in Edinburgh and not to depart thence without their Lordships' permission. The Lords postpone his entry to ward within the city of Glasgow till 31st January instant and meanwhile recommend to the Archbishop of St. Andrews "the satisfactioun of the said supplicant his defence conteanit in this supplicatioun according as he sall finde the same to be expedient." Supplication by Mr. Joseph Lawrie, minister at Stirling, that his entry to ward may be postponed.

Fol. 145, a.

Supplication by Arthur Dowglas of Stanypeth, as follows:—John, Adam and Robert Bredeis lately stole from him seven sheep, and were taken with the fang and imprisoned in the tolbooth of Hadintoun; whereupon their Lordships granted commission to Sir John Seatoun, knight, Mr. James Cockeburne, provost of Hadintoun, James Hopper of Bourhouses, and George Home of Furde for their trial and punishment. These gentlemen, however, are reluctant to execute this commission until they consult with their lordships as to the punishment to be given "seing they thinke it ane hard mater to take three mens lyffes for sevin sheepe." He therefore craves their Lordships' decision in the matter so that execution of this commission may proceed. The Lords ordain the said commissioners to put the said John, Adie and Robert Bredeis to trial by an assise, with convenient diligence, and to report the process of their conviction to them, when they will determine what sentence shall be passed upon them. Supplication by Arthur Douglas of Stanypeth anent the punishment of three men who had stolen seven of his sheep.

The Lords continue the protection formerly granted to Fergus Grahame of Blaatwode for his compearing to defend himself against a complaint by John Gledstains, notary in Dumfreis, until 11th February next, to which day the case has been continued. Protection to Fergus Graham of Blaetwood continued.

Fol. 147, a.

Complaint by Thomas Lowrie and William Lawrie [*sic*], his son, indwellers in the Cannogait, as follows:—They have been charged at the instance of Henry Futhie, William Cuthbertsoun and John Meggatt, cordiners in the Cannogait, to appear before their Lordships and obtain a discharge to the Commissaries of Edinburgh of any further proceedings in respect of the alleged slandering of Bessie Pursell, spouse of the said Case of a false charge of witchcraft. [Recorded out of its proper place in the Register.]

Thomas. In this matter their Lordships had written to the Archbishop of St. Andrews desiring him to inform them about some depositions given to him by these persons accusing the said Bessie Pursell of witchcraft, and the Archbishop had reported that the depositions were not relevant for proceeding against her on such a charge, but were "meere fantaseis." It is therefore necessary that their Lordships should acquiesce in this discharge. Both pursuers and defenders compearing and being heard, the Lords discharge the Commissaries of Edinburgh of all further procedure against the defenders in this matter of scandal, and also of all procedure against the said Bessie Pursell unless upon new and other grounds than those submitted to the said Archbishop. Decreta, January 1630-February 1631. Fol. 147, b.

Holyrood House, 11th January 1631. Lord Forbes and the Laird of Frendraught.

"A commissioun to the Bishop of Abirdene to examine the Lord Forbes upoun suche interogatouris as salbe gevin in be the Laird of Frendraught." Sederunts November 1629-January 1635. Fol. 41, b.

Holyrood House, 13th January 1631.

Sederunt—Chancellor; St. Andrewes; President; Privy Seal; Murrey; Linlithgow; Wigtoun; Galloway; Seafort; Bishop of Dunkeld; Bishop of Dumblane; Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk. Acta January 1631-July 1632. Fol. 36, a.

The Lord Chancellor and Mr. Haig. See *ante*, p. 109.

"The whilk day George Vicount of Dupline, Lord High Chancellor of this kingdome, gave in his answers to M^r^ Williame Haig his overtour anent the taxatioun, whiche the Lords ordained to be delyvered to M^r^ Haig and him to reply upon Tuisday nixt." Fol. 36, b.

The Laird of Pitcaple.

"The Lords ordains Pitcaple to be warned to Tuisday nixt anent the exhibition of Johne Leslie callit the Sojour, and Yrish Donnald, his servants."

The burning of Frendraught.

"The Lords declaires that at the dyet appointed for tryell of the persouns suspect guiltie of the burning of the hous of Fendraucht, they will give order for examinatioun of thame or others as occasion sall offer."

The Lord Admiral.

"The Lords finds that the Lord Admirall *post conclusum in causa* may receave probatioun, the parteis making faith that the mater whairupon they ar to be examined is *noviter perveniens ad notitiam*."

The Lord Admiral and the salt ship.

"The Lords ordains the charges direct aganis the Admirall for pronuncing of sentence aganis the salt ship to desert."

Act of Council recommending contributions to be made for the construction of a bridge over the Ericht near Coupar-Angus.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be M^r^ Johne Rattray, minister at Rattray, makand mentioun that where the Water of Rattray alias Erigh, a myle and a halfe abone Coupar in Angus, and whiche is in the commoun hie passage betuix the north and south parts of this kingdome, is so impetuous, and runnes with suche a violent force when anie tempest of wind or raine arises that there is no passage at anie furde of that water, and verie oft for the space of eight dayes togidder all passage at that water, ather be cobill, horse or foote,

Acta January 1631-May 1632. Fol. 36, b.

is interrupted and closed up to the great hinder of his Majesteis subjects and to the extreme hazard of manie of thair lyffes, of whome during the short tyme that the supplicant hes attendit the kirk of Rattray auchtene persouns to his knowledge hes perished in that water. And whereas there is als great ane necessitie of a bridge over this water as in anie other part of the kingdome and whairunto the supplicant is in good hope that his Majesteis subjects will willinglie contribute and putt to thair helping hand, humbelie desyring thairfoir the saids Lords that they would grant letters of recommendatioun to all archbishops, bishops, synods, presbytereis, noblemen, barouns, burrowes, and others his Majesteis good subjects for contributing of thair support and helpe toward the building of the said bridge, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they weill advised thairwith, the Lords of Secreit Counsell hes recommendit and be the tennour heirof recommends this mater to the favourable, charitable and christiane considerationn of the haill estats both spirituall and temporall within this kingdome beyond the water of Tay, and to the whole persons of whatsomever qualitie, ranke and degree, within these bounds, requeisting and desyring thame and every ane of thame to extend suche proportioun of thair liberalitie

Fol. 37, a.

and charitie toward the bigging of the said bridge as the importance and necessitie of the caus requires. And the saids Lords hes committed and be the tennour heirof committs the collectioun of this contributioun and benevolence of the people to the said M^r^ Johne Rattray, minister at Rattray, who is a man of approven credite, honestie and reputatioun, and will deale faithfullie in this bussines and conceale nothing that will be givin be the people to this so good and necessar ane worke, givand, grantand and committand unto him full power, warrand and commissioun to deale and travell with the whole bishops, noblemen, barons and gentlemen, synods, presbytereis and sessiouns of kirks, burrowes, touns and villages and with all others his Majesteis subjects als weill to burgh as land beyond the said water of Tay anent thair benevolence and charitable and christiane contributioun to be givin out of thair good discretioun for the helpe and supplee of the said bridge; and the said M^r^ Johne sall have ane booke delyvered to him be the Clerk of his Majesteis Counsell, whairof everie leafe sall be marked be the said Clerk, within the whilk booke the saids Lords requeists all and everie persoun who sall contribute to this worke to insert or caus to be insert the soumes of money that they sall contribute and advance in this earand, and if anie person or persons be sleuth or negligence sall refuse or forgett to insert thair said contribution, ordains and commands the said M^r^ Johne to insert the said contributioun himselfe; and that he report his diligence in the premises with his booke conteaning the names of the whole persons contributers and soumes of money collected be him to the saids Lords upon the first day of Januarie, 1632, to the

intent the saids Lords may know what soumes ar collected and how the samine sall be imployed. And the said M^r^ Johne sall give his great and solemne oath at the reporting of his diligence and booke foresaid that he hes not omitted nor left out of the said booke anie of the persons names that contributed, nor the soumes, nor no part thairof that sall be advanced in this earand; requeisting alsua the saids archbishops and bishops to give directioun to the ministrie within thair dioceis that they admonishe and stirre up thair flockes and parochiners to putt to thair helping hand in this so important and necessar a caus." Acta January 1631-May 1632. Fol. 37, a.

Holyrood House, 13th January 1631.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 145, b.

Complaint by the Lord High Treasurer against James Kerr and Alexander Torrie for exporting victual into England.

Complaint by William, Earl of Mortoun, Lord High Treasurer of Scotland, John, Lord Stewart of Tracquair, deputy treasurer, and Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, as follows:—Their Lordships, considering the great scarcity of victual within the kingdom this year, and the probability of a consequent dearth, made a strict prohibition of all exportation thereof by sea or land and especially "at the marches of this kingdome opposite to the marches of England," under the penalty of the confiscation, not only of the victual, but also of the whole moveables of the transgressor; and this was duly proclaimed at Dunce, Kelso, Selkirk, Jedburgh, and other towns "within the lait borders of this kingdome." Notwithstanding whereof Andrew Ker of Roxburgh on last sent Baillie of Haltounburne to the barn of Thomas Burne of Ellisheuches, where he received ten bolls of beir and transported them to England. Further, about the same time, James Ker, second son of the said Laird of Lintoun, took out of the said barn fifteen bolls of beir and transported them to England. Also on Alexander Torrie of Mordingtoun took out of the Nunlands three bolls of victual, and transported the same to England. Charge having been given to the said James Ker and Alexander Torrie, and both pursuers and defenders compearing, the Lords remit to the Lord Tracquair, Treasurer Depute, to take order with the defenders according to the merit of the case.

Complaint by Katharine Hamilton against James Baillie, her husband, for not removing Jean Henderson from his estate as he had been ordered by the Council.

Complaint by Katharine Hamiltoun, spouse of James Baillie of Parke, as follows:—On 18th February, 1630, her said husband, compearing before their Lordships, was placed under caution "to putt Jeane Hendersoun, his tennent, with whome he hes beene suspected to have used over familiar companie, aff his ground, after the separatioun of the last crop frome the ground" under a penalty of 3000 merks, which penalty, if incurred, was to fall to the complainer. Now the said James Baillie has not fulfilled the said act of caution, for Jean Hendersoun still dwells on his land, and so he ought to be decerned to pay the said amount to the complainer. Parties being called, and the complainer appearing by her brother, James Hamiltoun of Barncluthe, and the Fol. 146, a.

Decreta, January 1630-February 1631. Fol. 146, b.

defender not compearing, the Lords find that the said James Baillie has violated his act of caution, as witnesses examined proved that the said Jean Hendersoun has dwelt upon the lands of Parke this long time past, and was still dwelling there within the last eight days, and ordain letters to be issued against him for payment of the said penalty to the complainer.

Supplication by James Crichton of Frendraught that the examination of witnesses anent the burning of Frendraught may be postponed.

Supplication by James Crichtoun of Fendraucht, as follows:—The day appointed for the trial of the persons suspected of the burning of his place of Fendraucht is at hand, but all the persons whose depositions are required for the clearing of the matter have not yet been examined, and especially James Grant, whose information is believed to be of the highest consequence, and who cannot possibly be brought here in time. He therefore craves that the dyet be postponed. The Lords accordingly ordain the Justice, Justice Clerk, and their deputes to continue the said trial until the 15th June next, and to take new caution for the compearance of the criminals.

Fol. 147, a.

Supplication by Matthew Crichton, bailie-depute of the barony of Glencairn, anent the punishment of a boy who has stolen from his mother.

Supplication by Matthew Crichtoun, bailie depute of the barony of Glencarne, as follows:—In a bailie court of the said barony which he held on 31st December last, Thomas Patersone, son of the deceased Thomas Patersone of Littlemerk, was accused of stealing from Christian M^{c}Conneill, his mother, at various times during December, the sum of £19, and upon his own confession was convicted not only of this theft, but of stealing half a cheese from William Wilson's house in Caldside, as the rolment of court bears. He is but a young boy, and the crime of no great moment; therefore the supplicant craves their Lordships' advice as to what sentence he should pass upon him. They ordain him to sentence the said Thomas Patersone to be imprisoned and fed upon bread and water for a month.

Continuance of protection to Patrick, Lord Lindores.

The Lords continue the protection formerly granted to Patrick, Lord Lundores, for his safe attendance upon the Exchequer in reference to the passing of an infeftment of the Lordship of Lundores until the last day of February next, because the matter was not yet settled.

Royal Letters, 1623-32. Fol. 212, b.

Whitehall, 17th January 1631. Letter from his Majesty anent a provision for the children of John Grant, late of Carron.

"CHARLES R., Right, etc. We have heard of the perplexed estait wherein the children of Johne Grant, late of Carroun, ar left by debts quhairwith thair lands ar burdenned in seeking our lawes aganis the committers of his slaughters and by the contraversie in law betuix some of thair kinsmen in pretending to be thair tutours, quhairby the governement of thair estait hes beene hitherto neglected, so that if thair creditours sould at this tyme take a strict course for sueing for thair whole moneyes it would altogidder ruine the whole estait of the minors and leave thame in a miserable conditioun. And whereas we ar informed that thair neerest kinsman doeth offer to pay yeerelie to thair creditours thair annuelrents and to give sufficient securitie to pay unto thame within a few nomber of yeeres thair principall soumes, whiche offers seeming unto us to be reasonable, and the consideratioun of the untymelie death of the father

and the present estait of the childrein, being (as we ar lykewayes informed) infants of 4 yeeres or thairabout of age, moving in us a princelie compassioun towards thame in so farre as is agreable to law and equitie, we ar heirby pleased to recommend thair caise unto yow, and to that effect to call the creditours before yow and propound unto thame the saids offers quhairof if they will not accept we require yow to certifie us thairof togidder with your opiniouns how farre we may caus proceid according to equitie and the lawes of that our kingdome for the good of the saids minors, without prejudice of the saids minors. Whiche recommending to your care we bid yow farewell. Frome our Court at Whithall the 17 of Januarie, 1631." Royal Letters, 1623-32. Fol. 212, b.

Holyrood House, 18th January 1631.

Sederunt—Chancellor; St. Andrewes; Privy Seal; Murrey; Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Tracquair; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Acta January 1631-May 1632. Fol. 37, a.

Anent Mr. Haig's replies. See *ante*, p. 112.

"The Lords of Secreit Counsell finds the replyes this day givin in to the answers made to M^r^ Haig his propositioun not to be satisfactorie, and thairfoir assignes to M^r^ Haig Tuisday nixt with his awne consent to make a full reply thairto."

The ministers of the Palatinate.

"The Lords ordains the Bishops of Murrey and Dumblane and his Majesteis Advocat to goe to the toun counsell of Edinburgh and to represent unto thame the distrest estait of the ministers of the Palatinat and to move and deale with thame for ane answerable supplee."

Commission for surveying the laws.

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane Lord, produced unto the Lords of Privie Counsell ane commissioun under his Majesteis hand whilk wes delyvered unto him, as he affirmed, be Williame, Erle of Monteith, President of the Counsell, to be exhibite unto the saids Lords, conteaning ane warrand to some selected persouns of everie estait for surveying of the lawes; quhilk commissioun being read in the saids Lords audience they ordained the Directour of the Chancellarie to expede the same and to write it to the great seale altho the commissioun beiris no suche warrand, quhereanent this act sall be unto the said Directour of the Chancellarie ane warrand." Fol. 37, b.

Dr. Arthur Johnston.

"The whilk day there wes ane warrand past for payment to Doctour Johnestoune of fyve hundreth merkes in satisfactioun of his panes and charges in his travellis to the north for visiting of James Grant."

Holyrood House, 18th January 1631.

[Sederunt as recorded above.] Decreta, January 1630-February 1631. Fol. 147 b.

Complaint by James Smith in Torrence and William Paterson, messenger,

Complaint at the instance of James Smith in Torrence and William Patersoun, messenger, as follows:—The said James obtained a decreet of poinding against Robert Dykes in Rutherglen before the Commissary of Glasgow for payment of a debt, and on 4th December last sent the said

Decreta, January 1630-February 1631. Fol. 148, a.

messenger to charge him to make payment thereof. This charge being disregarded, on the 24th of that month the said complainers and some others assisting them went to the said Robert's malt kiln, and in virtue of the foresaid decreet poinded certain malt there and carried it to the cross of Rutherglen. Having apprysed it, they carried it back again to the kiln and filled a sack belonging to the complainer with as much of the malt as would satisfy the foresaid debt. But, as soon as the said Robert learned what they were doing, he hounded out against them Janet Wat, his wife, James Dykes, his son, Margaret Louke, and Alexander Mayne and Helen Towres, his wife, who came to the kiln, "patt violent hands in the complainers, cruellie dammeist thame on the head with thair neiffes and with great schuiles strake thame to the ground, gave thame manie bloodie wounds thairwith on the armes, hands and other parts of thair bodie to the effusioun of thair blood and perrell of thair lyffes, and maisterfullie reft frome thame the poynded malt foresaid, and so deforced the messinger in executioun of his office." Charge having been given to the persons above-mentioned, and the pursuers appearing, and of the defenders, the said Robert and James Dykes, who produced a certificate under the hand of Mr. Robert Young, minister at Rutherglen, "testifeing that the said Jonnet Wat hes contracted suche ane infirmitie by bearing of ane barne that she is not able to travell on hors or foote," the Lords, after hearing parties and witnesses, ordain the said Robert and James Dykes to pay to James Smith the sum poinded for, and also to pay 40s. to each of the witnesses. They further excuse the absence of the said Janet.

against Robert Dykes and others for assault while engaged in legally poinding the goods of the said Robert Dykes.

Fol. 148, b.

Supplication by Thomas Lindsay, merchant burgess of Edinburgh, as follows:—Robert Fairlie, his apprentice, to whom he had committed the care of his "merchant booth," abusing the trust and confidence reposed in him, has upon all occasions, specially when the petitioner "wes at the kirk" and out of the town on necessary business, disposed of his goods at his pleasure and to his own behoove, selling them when he expected ready money at very small rates, and in other cases upon bonds which he took in his own name without any mention of the petitioner. Discovering the great "decay and inlaike of the commoditeis and goods in his booth," the petitioner investigated the matter and found his loss and damage to amount to £4000; while the said Robert, conscience-stricken and fearing the result of the discovery, has fled, and is looking for some ship to convey him out of the country. This will frustrate the petitioner of all redress, and he therefore craves that their lordships will grant him a commission and warrant empowering all his Majesty's ministers of justice to apprehend the said Robert wherever he may be found on land or ship, and imprison him until he be brought before their Lordships for trial. This the Lords grant with this declaration, that if the supplicant

Fol. 149, a.

fails to substantiate his allegations he shall be censured by their Lordships, and make good to the party all expense and damage he shall have sustained thereby.

Supplication by Thomas Lindsay, merchant burgess of Edinburgh, for a warrant to arrest Robert Fairlie, his apprentice, whom he charges with robbery, and who is now seeking to flee the country.

Complaint by Margaret Scott, widow, against her son for assault.

Complaint by Margaret Scot, widow of Mr. Robert Stevin, schoolmaster, as follows:—On 6th October last Mr. Alexander Stevin, "her unnaturall sone," and Anna Haig, his spouse, came to her house beside the Tolbooth of Edinburgh, belonging to her in liferent, "patt violent hands in her persoun, strake, hurt and woundit her with thair hands and feete in sindrie parts of her bodie, and her said sone cruellie strake her with his knees on the backe and rapped her head frome wall to wall, quhairthrow she hes ever sensyne susteanned great pane and dollour in her head." Both parties compearing, and they and witnesses having been heard, the Lords find that the said Mr. Alexander Stevin "hes committed ane wrong aganis his mother, for the whiche the saids Lords ordains him to make payment to her of the soume of ten punds, and to pay the same weekelie, twa merkes in the weeke till the same be fullie payed." Decreta, January 1630-February 1631. Fol. 149, a.

Holyrood House, 18th January 1631. The ministers of the Palatinate.

"Ane Act recommending the distrest ministeris of the Pallatinat and thair tymous releif to the charitable contributioun and benevolence of the people." Sederunts, November 1629-January 1635. Fol. 42, b.

Holyrood House, 20th January 1631.

Sederunt—Chancellor; Præses; Privy Seal; Murrey; Wigtoun; Galloway; Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Melvill; Lord Tracquair; Clerk of Register; Advocate; Sir John Scot. Acta January 1631-May 1632. Fol. 37, b.

Recommendation by the Council for contributions towards the relief of the Palatinate ministers.

"The Lords of Secreit Counsell ordains missives to be writtin to the Bishops desyring thame to write and seriouslie to recommend to the ministers within thair severall dioceis a tymous and charitable contributioun to be collected for releefe of the distrest ministers of the Palatinat, whois deplorable estate may appeare be thair letters sent unto thame, and that the moneyes to be collected in everie parish be delyvered to the moderator of the presbyterie to be sent be thame heere to George Suttie and Williame Gray, merchants in Edinburgh, or anie one of thame in absence of the other, receavers appointed be the Counsell for that purpose, betuix and the last day of Apryle nixt; and ordains the Bishop of Murrey and M[r] Williame Struthers to caus make a booke and to carie the same to everie Counseller and Sessioner and others of thair nomber to the intent they may insert thairin suche contributiouns as thay in thair charitie sall be pleased to vouchesafe."

Commission to the Lord Treasurer and other officials of the Council, who are in London, to receive the oath of Sir James Galloway as a Privy Councillor.

"Forsameekle as it hes pleased the Kings Majestie to preferre Sir James Galloway, knight, Maister of Requeists to his Majestie for this kingdome, to be one of the Privie Counsell of the said kingdome, and whereas the necessitie of his attendance upon his Majesteis service at Court disables him to come heere to give the accustomed oaths of alledgeance and of a privie counsellour, and the Lords of Privie Counsell being loath that this necessarie occasioun of the said Sir James his absence sall prejudge him of that favour whilk his Majestie hes beene pleased to vouchesafe upon him, thairfoir the saids Lords hes givin and

Acts January 1631-May 1632. Fol. 38, a.

grantit, and by these presents gives and grants, commissioun and warrand to William, Erle of Morton, Lord Thesaurar of this kingdome, Williame, Erle of Monteith, President of the Counsell of the said kingdome, James, Marques of Hamiltoun, Robert, Erle of Roxburgh, and Sir Williame Alexander, knight, his Majesteis principall Secretarie of the said kingdome, or anie one of thame with the said Sir Williame Alexander, to minister unto the said Sir James the oaths of alledgeance and of a privie counsellour, and that the said Sir Williame make ane note and act thairupon and report the same to be insert and registrat in the bookes of the Privie Counsell of this kingdome for the said Sir James his forder warrand."

Letter from his Majesty anent the succession to the estate and title of the late Lord Oliphant.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weill. Whereas we ar informed that in regarde of the death of the lait Lord Oliphant without leaving anie heires male lawfull procreat of his bodie to succeid unto his title of honnour there is a questioun fallin out betuix Ladie Anna Oliphant, his daughter and heire of blood, and one Patrik Oliphant, pretending right to the said title by tailyie or dispositioun flowing frome the said late Lord, by whiche he assumes title and place, and being lykewayes informed that processe is alreadie intendit before the judge ordinar for decyding of the saids parteis rights, it is our expresse will and pleasure to the effect we be neither wronged in our princelie prerogative nor either partie in thair rights that yow upon sight heirof in our name discharge both the saids parteis frome presooming to usurpe or take upon thame the said title or place unto suche tyme as by the judge ordinarie it be legallie decyded unto whome the said title and place doeth lawfullie perteane; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Whitehall the 7 of Januarie, 1631. Unto the whilk missive the said Patrik Oliphant and Sir James Douglas, spous to the said Ladie Anna, and in her name being warned to compeir and answere, and they compeirand both personallie, and his Majesteis directioun, will and pleasure mentiouned in the said missive being intimat to the said Patrik Oliphant, he with all dew respect promeist to obey and to conforme himselfe to his Majesteis will and pleasure mentiouned in the said letter."

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 149, a.

Holyrood House, 20th January 1631.

Postponement of examination of witnesses

On a supplication by John Leslie, younger of Pitcaple, the Lords, after hearing Fendraucht thereanent, ordain William Murrey, presently

anent the burning of Frendraught.

prisoner in the tolbooth of Edinburgh, to be put to liberty, and John Meldrum and Richard Mowat to be still detained in ward, at whose charges they will determine on Tuesday next. Further, the Lords supersede all trial and examination of the said parties and witnesses in the matter of the burning of Fendraucht until 15th June next, reserving, however, power to themselves to call, try and examine upon emergent occasions as their Lordships shall find cause. Decreta, January 1630-February 1631. Fol. 119, b.

Complaint by Patrick Wilson in Eccles against Patrick Angus for assault.

Complaint by Patrick Wilsoun in Eckillie as follows:—On 9th instant, being Sunday, Patrick Angus of Foulfordleyes came to the complainer upon the muir of Cockburnspeth, pursued him with a whinger, and struck at him therewith several times. The complainer having seized the whinger and also taken hold of the said John, "he threw the whinger out of his hand and strake him therewith on the arme and hand to the effusioun of his blood." Both parties compearing and probation being referred to the defender's oath of verity, who denied the accusation, the Lords assoilzie him.

Holyrood House, 20th January 1631. Punishment for mutilation in Orkney.

"Anent the petitioun gevin be Williame Dik and M^r^ Johne Dik, his sone, takkismen of the earldome of Orknay and lordship of Yetland, craveing the Counsallis advyse what punishment salbe inflictit for mutilatioun within the saidis boundis, ordanis the judge to pronunce dome of banishment aganis the criminall and to mak satisfactioun to the pairty accordinge to the habilite." Sederunts, November 1629-January 1635. Fol. 43, a.

Mr. James Farquharson.

"That M^r^ James Ferquharsoun be warnit to be heir the morne and to gif interrogatouris yf he ony hes in name of the Lord Gordoun aganis Magdalene Innes." Fol. 43, b.

Sir James Galloway. See *ante*, p. 118.

In connection with the commission for taking the oath of Sir James Galloway, it is here added—"And that a missive be writtin to the Secretair showeing that Somersait wes ressaved in presence of the King and to consult his Majestie if he will vouchsaif the lyke favour to Sir James."

Holyrood House, 21st January 1631.

[*Sic*] Chancellor; Privy Seal; Lauderdaill; Bishop of Dunkeld; Bishop of Dunblane; Lord Tracquair; Secretary; Clerk of Register; Advocate. Fol. 44, a.

Holyrood House, 22nd January 1631. Letter of the Council to the magistrates of Carlisle desiring the surrender of Robert Elliot, now a prisoner in the jail of the said burgh.

"After our verie heartilie commendatiouns. Whereas one Robert Elliot, now fugitive for thift, being some moneths agoe apprehendit and committed in the jayle of Jedburgh for some thifts quhairof he is suspect guiltie and he being sett at libertie upon band for his reentrie within the said jayle whenever he sould be charged to that effect, he, fearing the event of his tryell and taking upon him the ignominie and guilt of the crymes quhairof he wes suspect and delate [*sic*], he is now become fugitive and as we ar informed is for some misdemeanours prisouner in your tolbuith at Carlill. And quhairas it wer ane great iniquitie and injustice that suche ane notable malefactour sould escape his deserved punishement Royal Letters, 1623-32. Fol. 191, a.

Royal Letters, 1623-33. Fol. 191, b.

quhilk will be more exemplar in this kingdome quhair his thifts wer so frequent and publict nor in anie part ellis where, these ar thairfoir to request and desire yow to delyver the said Robert to the shireff of Tiviotdaill or to the mayor of Jedburgh, or to anie in thair names having thair power to receave him, to the intent he may be brought heere to his tryell and punishement; or otherwayes if he be apprehendit within your bounds for anie capitall cryme that yow have a care that he be not sett at libertie till he undergoe his deserved punishement. Quhilk recommending unto yow as a peece of service that will be verie acceptable to his Majestie, we committ yow to God. Frome Halyrudhous, 22 January, 1631. *Subscribitur*, Geo: Dupline, Canc., Monteith, Hadintoun, Lauderdaill, Traquaire, Arch. Achesone, S^{r} Thomas Hope.

Acta January 1631-May 1632. Fol. 38, a.

Sederunt—Chancellor; President; Privy Seal; Murrey; Wintoun; Seafort; Galloway; Bishop of Dunkeld; Bishop of Dumblane; Lord Melvill; Lord Tracquair; Secretary; Clerk of Register; Advocate; Sir John Scot. Holyrood House, 25th January 1631.

Rejection of Mr. Haig's proposals for the regulation of the tax-rolls.

"The Lords of Secreit Counsell having heard and considderit the propositioun made be M^{r} Haig for regulating of the taxt rollis with the answeres and replyes made thairto, the Lords finds that the overtour made be M^{r} Haig is not to be embraced nor the course projected feasable nor for the good of his Majesteis service, and thairfoir ordains ane letter to be drawin up acquainting his Majestie with the trew estate of the bussines and how the informer hes beene mistakin in his grounds, of the whilk letter the tennour followes:—

Letter of Council to his Majesty stating the grounds for rejecting Mr. Haig's proposals regarding the tax-rolls.

"Most sacred Soverane, It pleased your Majestie by letter of the dait, the 19 day of October last, upon ane motioun made be M^{r} Haig, your Majesteis Sollicitour, alledging some errour to be committed in directing the rollis of taxatioun for benefices and burrowes, to command us to advert seriouslie to the making of the taxt rolls of this present taxatioun and to see the errour, if anie be thairin, amendit; quhairof we being most carefull according to our dewtifull obedience did caus the said M^{r} Haig sett doun in writt the ground and reasouns of his propositioun, to the whilks answere wes made in writt, and tyme assigned to him to reply thairto, whairin he had advice and assistance of your Majesteis Advocat, who had a speciall warrand frome your Majestie to that effect; and thereafter the whole whiche wes writtin being read in full audience and the said M^{r} Haig with your Majesteis Advocat being heard to reasoun thereanent, *viva voce*, in end the mater being narrowlie looked unto and digestedlie advised, it wes found be the unanime consent and whole voices of the table (ane onelie except who wes non liquet) that M^{r} Haig wes mistaken in his grounds and thairupon buildit ane false conclusioun whilks could not be warranted be the Acts of Parliament nor Conventioun. For the first ground he layed is this, that the barons part, whilk

is ane twa part of the halfe, sould rule and square the other twa estaits of benefices and burrowes, quhairupoun he inferres that seing the barons payes more nor thair twa part that thairfoir the benefices and burrowes sould pay proportionallie more nor thair part, quhilk is ane meere fallacie and contrarie to the Acts of Parliament and Conventioun quhilks ar the warrand of the taxatioun, whairby the taxt of everie estate is determined be the awne severall and distinct portioun without respect to anie proportioun of halfe, thrid part or twa part of the other halfe, sua that the taxt rollis of everie estait must be directed according to the owne severall grants and cannot be exceedit. And where M^r^ Haig urges the divisioun of the taxatioun amongs the three estaits according to the proportioun of one halfe for the benefices, and the twa part of the other halfe for the barons, and the thrid part of that same halfe for the burrowes, it is trew that this proportioun wes observed in preceeding taxatiouns where ane totall and definite soume wes grantit; and yitt when the barouns wer taxt to ane twa part of the halfe there wes ane speciall warrand of Parliament for uplifting of ane certane soume of ilke pund land in satisfactioun of thair twa part, quhilk soume of ilke pund land being calculat togidder exceedit thair twa part be a thrid, quhilk made these who had the care of the effaires of estait for the tyme in succeiding taxatiouns to absteane frome ane certane soume divisible be the foresaids proportiouns least the barons who payed more nor thair twa part of the halfe sould crave the superplus to be rebated to thame. And now that whilk in so great prudence wes caried for the good of your Majesteis service is drawin in debate be this new motioun whiche can never benefite your Majestie bot may unhappilie give occasioun to the barons to compleane of disproportioun and so diminishe your Majesteis taxatiouns. The other ground quhairupoun M^r^ Haig founds his motioun is, that als muche wes exacted of benefices and burrowes under the name of taxt as would equall the excesse of the barons pund lands, and thairfoir still he urges that the rollis may be ruled according to that proportioun. Quhairin we find this grosse errour that he distinguishes not that whilk wes exacted by warrand of the Act of taxatioun frome that whilk wes exacted unjustlie and without warrand. And albeit the superplus quhilk wes exacted under the name of taxatioun without warrand may be callit to ane accompt, yitt we cannot thinke that the bypast exactioun made unjustlie and without ane warrand can be ane ground whairupoun to augment and increasse the taxt of that estait heereafter. All whiche we having remonstrated to the said M^r^ Haig and having laboured with reasoun to convince his error yitt we find him so pertinaciouslie weddit to his awne opinioun that he will not suffer the doubts to be cleered; and thairfoir we doe humbelie acquaint your Majestie with the trew estait of the business and with the ground of M^r^ Haigs mistaking and our awne judgements thairin; in respect whairof we thinke the mending of the rollis to be nather lawfull nor feseable. And yitt in the meane

Acta January 1631-May 1632. Fol. 38, b.

Fol. 39, a.

Acta January 1631-May 1632. Fol. 39, a.

tyme, becaus M^r Haig is so obstinatlie wilfull, we have left him to prosecute his actiouns for byganes before the Lords of Sessioun according to his commissioun. And so, praying God to blesse your Majestie with a long and happie raigne, we rest, etc. Halyrudhous 27 January 1631. *Subscribitur*, Dupline, Monteith, Hadintoun, Murrey, Wintoun, Galloway, Seafort, Dunkelden, Melvill, Dumblane, Tracquair, Hamiltoun, S^r Thomas Hope, Scottistarvet, S^r James Baillie."[1]

Letter from his Majesty to the Council anent the Earl of Moray and James Grant.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk missive the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. We understand by your letter how good a service is done unto

Fol. 39, b.

us by our right trustie and weilbelovit cousine and counsellour, the Erle of Murrey, in apprehending of James Grant, the rebell, and his complices, whiche we acknowledge and will esteeme thairof as it doeth deserve. Bot seing we conceave that a persoun of his qualitie could not have so subsisted or proceedit herein without the aide or encouragement of others, as this service hes made ane end of his treacherous and malicious course, so to prevent by the punishing of this the attempting of anie the lyke heerafter, our pleasure is that yow caus examine the said James, if he be alyve, or anie others that adhered unto him, of the meanes how he hath beene supported, that order may be takin with all that have contributed anie voluntarie helpe for assisting of him in so farre as the lawes of that our kingdome will allow. And in the meane tyme, seing our said cousines commissioun hath produced so good effects, our further pleasure is that nothing be done to the prejudice thairof bot that it stand in full force and effect till the expyring of the same. And so not doubting of your care heerin, we bid yow fareweill. Frome our Court at Whitehall the seventh day of Januarie, 1631. Quhilk missive being heard and considderit be the saids Lords, and they weill advised thairwith, the Lords of Secreit Counsell will conforme thameselffes to his Majesteis will exprest in the said missive and give obedience thairunto in everie point."

Fines, 1614-31. Fol. 136, b.

Holyrood House, 25th January 1631. Complaint by William, Earl of Morton, Lord High Treasurer, against John Urquhart of Lathers and others for carrying forbidden weapons.

Complaint by William, Earl of Mortoun, Lord High Treasurer of Scotland, John, Lord Stewart of Tracquair, Depute Treasurer, and Sir Thomas Hope of Craighall, his Majesty's Advocate, as follows:—Though the bearing of hagbuts and pistols has been prohibited by law, yet John Urquhart of Lathers, Walter Forbes of Thainstoun, Thomas Areskine of Balhaggartie, William Areskine of Tucharn, Alexander Areskine of Darlethin, George Leith, apparent of Overhall, Alexander Leith, apparent of Comptiswalls, Alexander Straquhain of Glenkindie, Sir Alexander Hay of Delgatie, Alexander Gordoun of Dunkintie, Basteill Inneis at the

[1] There is another copy of this letter in the Register of Royal Letters, fols. 191, 192.

Mill of Wartill, Alexander Gordoun, fiar of Abiryeldie, John Gordoun of Innermerkie, John Johnestoun of Toscheills, Normand Leslie of Tulloch, John Leslie of Pitcaple, Alexander Leslie of Auquhorsk, Patrick Leslie of Legatsden, Mr. William Chalmers of Easter Disblair, William Seatoun, apparent of Wester Disblair, George Gordoun, younger of Geicht, John Turing of Foverne, George Leslie, apparent of Kincrage, James Leslie, his brother, John Gordoun of Ardlogie, John and Nathaniel Gordoun, his sons, Mr. Thomas Gordoun of Pendreich, John Gordoun of Parke, and David Gordoun, his brother, in contempt of the said law have worn and do still wear hagbuts and pistols in their riding and going through the country for which they ought to be punished. Being cited, there compeared the Laird of Foveran, John and Nathaniel Gordoun, sons to Ardlogie, John Gordoun of Parke, Thomas Areskine of Balhaggartie, John Gordoun of Innermerkie, William Gordoun, apparent of Geicht, George Leith of Overhall, Alexander Leslie of Auquhorsk, Sir Alexander Hay of Delgatie, William Seatoun of Disblair, Alexander Areskine of Darlathin, John Leslie, younger of Pitcaple, Patrik Leslie in Legatsden, Bastell Inneis, Normand Leslie, Mr. Thomas Gordoun, Walter Forbes and John Johnestoun, and the probation being referred to their own oaths of veritie, the Laird of Foverne granted the carrying of a hagbut for shooting for hawk's meat since Lammas last, and was fined £40; John Gordoun of Parke owned shooting with hagbuts at wild fowl within his own lands, and was fined £40; George Leith acknowledged carrying pistols for his defence against Wardes and Newtoun, and was fined 50 merks; Alexander Leslie admitted carrying hagbuts since Lammas, and is fined £20; the Laird of Delgatie confesses carrying pistols, and is fined £40; William Seatoun of Disblair admits carrying pistols after James Grant robbed Mr. Robert Udnie, and is fined £20: Pitcaple, younger, and Patrick Leslie admit carrying pistols since the hurting of James Leslie, and are fined each £40; Mr. Thomas Gordoun acknowledges that he carried pistols at the burning of Fendraught and at the burial thereafter, and is fined 50 merks; and Walter Forbes, granting that he has worn pistols for fear of James Grant, is fined £20. Besides these Alexander Leslie in Durlathin is fined 40 merks, and Bestiall Inneis, 20 merks. John and Nathaniel Gordoun, sons to Ardlogie, William Gordoun of Geicht, Thomas Areskine, John Gordoun of Innermerke, and John Johnestoun of Buckheids are assoilzied on their denial. The Laird of Kincragie having offered to compone for his two sons, the Lords fine them £40; and they excuse the non-compearance of William Areskine of Tocher, on a "testimonial" being produced of his sickness. The others who did not compear they ordain to be put to the horn.

Fines, 1611-31. Fol. 196, b.

Fol. 137, a.

Caution by John Turing of Foveran and others not to wear hagbuts and pistols.

Act of caution by John Turing of Foverne, Sir Alexander Hay of Delgatie, Alexander Leslie of Auquhorsk, Patrick Leslie of Legatsden, John Leslie, younger of Pitcaple, Alexander Areskine of Darlathin, Mr. Thomas Gordoun of Pittendreich and Walter Forbes of Thainstoun, each in 1000 merks not to bear hagbuts nor pistols in future.

Fines, 1614-31. Fol. 137, b.

Similar caution by George Leith of Overhall and Bestiall Inneis at the Mill of , each in 500 merks. Similar caution.

Sederunta, November 1629-January 1635. Fol. 44, a.

"The quhilk day compeirit Alexander Gordoun of Dunkintie be Walter Hay; George and James Lesleis be Kincragie, thair fader; M^r^ William Chalmer be Pitcaple, elder; Johne Urquhart of Lethers be Alexander Lintoun; Alexander Gordoun of Aberyeldie be M^r^ Johne Rig, to whom the Lords assignis the secund of Marche for thair compeirance anent the bearing of pistollettis." Holyrood House, 25th January 1631. Alexander Gordon of Dunkintie and others to appear before the Council anent carrying pistols.

"The Lordis nominatis the Bishop of Dumblane, the Clerk of Register, Advocat and Justice, or ony tua of thame, to examine the witnesses produceit be Johne Neill." John Neill.

Royal Letters, 1623-32. Fol. 191, b.

"After our verie heartilie commendatiouns to your good lordship. Whereas the kings Majestie hes beene pleased to preferre Sir James Galloway, knight, Maister of Requeists to his Majestie for this kingdome, to be one of the Privie Counsell of the same, and seeing the necessitie of his attendance upon his Majesteis service at Court disables him to come heere to give the accustomed oath of alledgeance and of a privie counsellour, we have thairfoir exped ane commissioun to some of his Majesteis Privie Counsell being there and to your lordship for administering the oaths foresaids unto the said Sir James; and whereas in the lyke caise when the Erle of Somerset wes made a counsellour of this kingdome his late Majestie wes pleased for the better graceing of the said Erle to administer unto him the oath himselfe in his awne chamber we will requeist your good lordship to consult his Majestie if he will be pleased to vouchesafe the lyke favour to the said Sir James, otherwayes that your lordship will caus his oath to be tane according to the warrand heerewith sent to your lordship. And so, with the remembrance of our best affectiouns, committing your lordship to the protectioun of God, we rest. Halyrudhous 25 January 1631. *Subscribitur*, Geo: Cancell, Monteth, Wintoun, Seafort, Hamiltoun, S^r^ Thomas Hop. Holyrood House, 25th January 1631. Letter of Council anent Sir James Galloway and his oath as a privy councillor.

Acta January 1631-May 1632. Fol. 39, b.

Sederunt—Chancellor; President; Privy Seal; Murrey; Wintoun; Seafort; Galloway; Dunkeld; Dumblane; Melvill; Tracquair; Secretary; Clerk Register; Advocate; Sir John Scot; Sir James Baillie. Holyrood House, 27th January 1631.

"The Lords allows Robert Bewlie, servitour to the Lord Ogilvie, to returne home to his service." Robert Bewlie.

"The quhilk day James Crichtoun of Fendraucht undertooke to exhibite Alexander Bythe with convenient diligence, also alsua to send for Androw Bewlie." James Crichton of Frendraught.

"The Lords of Secreit Counsell nominats and thairwithall gives warrand and commissioun to George, Erle of Wintoun; Sir Johne Hamiltoun, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat; Sir Johne Scot, Directour of the Chancellarie; Commission to the Earl of Winton and others to examine Crichton of Frendraught and others.

Sir James Baillie of Lochend and the Justice Depute to examine James Crichtoun of Fendraucht and his servants the morne in the Exchecker Hous, at nyne of the clocke." Acta January 1631-May 1632. Fol. 39, b.

Commission to George, Viscount Duplin, to appoint George Hay of Kirkland as receiver of the inventories of lent money.

"Forsameekle as the Lords of Privie Counsell considering that altho be the expresse words and tennour of the Act of Estaits anent the taxatioun grantit to his Majestie in the moneth of Julij last the shireffs, thair deputs and clerkes, bailleis of regaliteis and provests and bailleis of the free burrowes within this kingdome wer ordained to have halden courts at the tymes appointed in the said Act for receaving inventars of all lent moneyes within the bounds of thair offices, yitt there is great nombers of his Majesteis subjects who not of purpose and intentioun (as they alledge and as is probable) to disappoint his Majestie of his dew rent of thair moneyes, bot being necessarilie distracted upon manie interveening occasiouns, as the unseasonable weather, the farre distance of the place of thair residence fra the parts where thair courts wer haldin and upon manie others occasiouns, hes neglected to give in thair inventars in dew tyme, and ar now verie willing to give thame faithfullie up, quhilks the clerkes and others whome it concernes refuse to receave, quhilk will be ane verie great hinder and prejudice to his Majestie and vexatioun to the lieges without remeid be provydit; thairfoir the saids Lords have given and grantit and be the tennour heirof gives and grants thair warrand and commissioun to George, Vicount of Dupline, Lord High Chancellor of this kingdome and Collectour-generall of the said taxatioun, to nominat and appoint his depute, George Hay of Kirkland, for whome he sall be answerable, and who sall reside at Halyrudhous to receave fra his Majesteis subjects all suche inventars for the first terme of the said taxatioun as sall be givin in to thame betuix and the last day of Apryle nixtocome, togidder with the moneyes dew to be payed furth of the saids inventars for the said first terme, notwithstanding anie claus or article conteanned in the Act of the Estaits made anent the upgiving of the saids inventars, quhereanent the saids Lords dispenses be thir presents; and ordains letters to be direct to make publicatioun heirof at all places neidfull, whairthrow nane pretend ignorance of the same." Fol. 40, a.

Charge to the bailies of Dysart to present Thomas Davidson before the Council—the said David being accused of having murdered his wife.

"Forsameekle as there is manie cleere and pregnant presumptiouns aganis Thomas Davidsone, prisouner in the tolbuith of Dysert, that he hes beene accessorie to the killing of his awne wife, for the cleering whairof necessar it is that he be confronted with his adulteresse, now prisouner in the tolbuith of Edinburgh, thairfoir ordains letters to be direct charging the bailleis of Dysert to bring, present and exhibite the said Thomas before the saids Lords upoun the day of Februarie nixt to the effect abonewrittin, under the pane of rebellioun, etc., with certificatioun, etc."

Proposal for placing lights on the Isle or May.

"Forsameekle as ane propositioun hes beene made to the Kingis Majestie for erecting of lichts upon the Yle of the May as ane thing thought to be most necessarie and expedient for the saulfetie of shippes

Acta January 1631-May 1632. Fol. 40, b.

arryving within the Firth; and the Lords of Privie Counsell being carefull to be trewlie informed anent the expediencie of this propositioun, thairfoir the saids Lords ordains letters to be direct charging the provest and bailleis of Edinburgh, Dundie, S^{t} Andrewes, Carraill, Anstruther Easter and Wester, Pittinweeme, Dysert, Kirkaldie, Kingorne and Bruntilland to send some commissioners for thame to the Lords of Privie Counsell upon the first day of Marche nixt to give thair advice and opinioun anent the expediencie of the said propositioun, with intimatioun as effeirs. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we have beene moved upon the inclosed petitioun for giving way to erect lights in the Ylland of May in the Firth of Forth as a purpose expedient for preventing of shipwrackes thereabouts, wherein respecting the good and safetie of our subjects we ar heirby pleased to remitt the consideration of the petition unto yow, that (having perused the same and hearkned to what can be further propouned to yow tuicheing that purpose) yow may resolve, if there be ane expediencie for erecting of these lights and of the meanes and wayes to keepe the same; and if yow find it necessarie and a willingnesse in suche of our subjects as ar most interested thairin to pay suche a dewtie to the same as yow and they can best condescend upon, that a patent be drawin up for our signature heere or to passe our caschet there as yow sall thinke fitt for the petitioner and that for suche nomber of yeeres for suche a duetie to be imposed, according to the shippes burdein, and suche other limitations and provisiouns as yow sall thinke fitt to prescribe for the good of our kingdome and saulfetie of our subjects. We bid yow heartilie farewell. Frome our Court at Whitehall the 25 of November, 1630."

[Sederunt as recorded above.]

Decreta, January 1630-February 1631. Fol. 150, a.

Holyrood House, 27th January 1631.

Supplication by Charteris of Reddinwood for a warrant to apprehend Rosie Aitken and others whom he accuses of setting fire to his barn.

Supplication by John Charters of Reddinwod as follows:—In November last his barn at Reddinwode was set on fire under cloud and silence of night and burnt to ashes with 60 bolls of victual "of Nithisdaill mett" which were therein. He has "manie cleere and pregnant presumptiouns that Rosie Aitkine . . . . John Robsoun, her son, and Jonnet Robsoun wer speciall actors" in this deed, and at their examinations there were "so manie cleere contrarieteis found in thair depositiouns as argues ane infallible guiltines in thame." As such crimes merit "the most exact tryell that the witt of man can devise," he craves warrant for the apprehension of these persons and sending them hither for examination. The Lords grant a commission to Sir John Charters of Amisfeild, Sir Robert Greir of Lag, and the provost and bailies of Dumfries, or any three of them, Lag or Amisfeild being one of the

three, to examine the persons complained upon as to the said burning, receive what evidence the said John Charters is able to bring against them, confronting them one with the other, and to report their depositions in writing to the Lords, who shall then give such further direction as the circumstances of the case shall require. Decreta, January 1630-February 1631. Fol. 150, a.

Supplication by John Traill of Blebo for protection that he may come to Edinburgh to satisfy his creditors.

Supplication by John Traill of Blebo as follows:—He is so very hardly pressed by his creditors that he is unable to take any steps for their satisfaction, though, as is well known, he has land and rent more than enough to pay all his indebtedness. He had placed the matter in the hands of some of his friends, but they had proved "verie undewtifull and negligent thairin," having secured themselves and neglected the rest of his creditors. Accordingly he must take the matter into his own hands, and he is resolved to sell the best of his lands in order to satisfy his creditors, but he cannot do so unless their Lordships grant him their warrant to come to Edinburgh and remain there for some time for this purpose; which he craves. The Lords grant him a protection for six weeks after the date hereof. Fol. 150, b.

Complaint by Mr. Andrew Hamilton, minister of Kilbarchan, against James Paterson and others for assault.

Complaint by Mr. Andrew Hamilton, minister at Kilbarquhane, as follows:—On 13th December last he employed John M^cBurchie, messenger, to execute a decreet of poinding against one of his parishioners, James Patersoun in Auchnames, who, when the messenger appeared at his dwelling-house and pointed certain goods, violently deforced him. Paterson then went to Patrick Crawfurd of Auchnames and Dame Margaret Houstoun, his mother, and told them what had taken place, and they, knowing the said messenger was to execute a new poinding on the morrow, hounded out the said James Patersoun, William and John Patersoun, his brothers, and Bessie and Elspet Patersoun, his sisters, to lie in wait for the complainer in the highway, armed with swords, staves, and other weapons; and they as soon as they perceived the complainer "fiercelie sett upon him, compelled his twa sones and the messinger to flee for feare of thair lyffes, and without respect to the compleaner, thair pastour, shamefullie and disgracefullie strake him upon the backe with thair swords, stalffes and battouns be the whole space of ane quarter of ane myle untill at last he wes forced to flee in to ane hous, where they had not failed to have killed him, if ane honest man perceaving thair cruell purpose had not brought him ane horse and so convoyed him out of thair hands." Charge having been given to the persons above complained upon and to Margaret King, and the pursuer compearing, who declared that he passed from that part of his complaint against the said Dame Margaret Howstoun, Lady Auchnames, and the said Patrick Crawford also compearing, but none of the other defenders, the Lords decern as follows:—Probation in the matter of hounding out being referred to the oath of the said Patrick Crawford, he denied the charge, and is assoilzied. Against the Patersons certain witnesses were produced on whose testimony the Lords found that they struck the Fol. 151, a.

Decreta, January 1630-February 1631. Fol. 151, a.

said pursuer "with thair swords in the skaberts and with battouns and stones," thereby committing a very great offence against him, and the Lords therefore ordain them to be charged to enter in ward within the tolbooth of Edinburgh within six days on pain of horning and remain

Fol. 151, b.

there until order be taken with them for this offence. No further mention is made of Margaret King. The Lords order 5 merks to be paid to each of the witnesses by the producer.

Supplication by William, Earl of Angus, anent the regality of Bothwell and the inventories for the taxation.

Supplication by William, Earl of Angus, Lord of the regality of Bothwell, as follows:—The term appointed for the upgiving of the inventories of lent moneys and annualrents due for the same was never intimated to the inhabitants of the said lordship or they would have obeyed the injunction, and a further day is craved for their upgiving. The Lords accordingly give warrant to the clerks and all others whom this matter concerns to receive the inventories of the inhabitants of the said lordship of Bothwell, and also of that part of his Majesty's taxation granted in July last, notwithstanding the expiry of the appointed term, provided they be given up before 30th April next.

Fol. 152, a.

Supplication by James, Earl of Abercorn, for extension of protection to his mother. See *ante*, p. 83.

Supplication by James, Earl of Abercorn, as follows:—He had in a former petition to their Lordships represented the necessity of the Countess of Abercorn, his mother, coming to Edinburgh, for settling with the advice of their legal advisers the state of his own house, of which she has had the charge since the death of his father, and the provisions of his brother and sisters, when their Lordships granted their warrant for that effect until 2nd February. Though they have been as busy and anxious as possible to bring matters to a conclusion, they have not succeeded, yet some reasonable progress has been made. Without his mother's presence, however, nothing can be effected, and he therefore craves an extension of the protection. This the Lords grant till first April next.

Sederunts, November 1629-January 1635. Fol. 44, b.

Holyrood House, 27th January 1631. Thomas Davidson of Dysart. See *ante*, p. 126.

"A commissioun and warrand to the baillies of Dysart to transporte hither Thomas Davidsoun who is presentlie in thair handis to be confronted with his adulteresse tuoucheing the exposing of ane bastard barne, and being accessorie to the killing of his awne wyffe."

The bridge of Dalkeith.

"A commissioun under his Majesteis hand past this day in Counsell for uplifting of a certane duetie of all passingeris and goodis passing alangis the bridge or throug[h] the foorde of Dalkeyth for repairing of the bridge thairof, whilk signatour the Lordis ordanis to remayne in the Clerkis handis till the commissioneris to be appointed for that purpois gif thair compeirance befoir the Counsell and act thameselffiis for imployment of the moneyis so to be leveyed towardis the reparatioun and uphalding of the said bridge."

Anent the horning of the Laird of Glenmoriston.

"A missive from his Majestie in favouris of Glenmoreiston for relaxing him frome the hoirningis used aganis him be the Earle of Murray, his Majesteis lieutennent in the northe, upon caution to be

found for his appeirance before the Justice; and in regaird by a posterior warrand his Majestie hes desyrit that nothing be done dirogatorie to the Earle of Murray his commissioun, thairfoir ordanis a letter to be wrettin to his Majestie craving the significatioun of his Majesteis pleasour concerning that mater." Sederunts, November 1629-January 1635. Fol. 44, b.

The Isle of May. "A missive frome his Majestie for erecting of a beacone in the Isle of the May."

The *Minute Book of Processes* gives the following memoranda collectively for the month of January 1631:— Minute Book, 1604-31. Fol. 87, b.

Fergus Graham of Ballwood. Letters to cite Fergus Grahame of Ballwood [*sic*] to appeir befor the Counsell to satisfie the severall debts for quhich he wes denunced rebell.

Marion Watson. Suplicatioun: Maireoun Watsone and utheris against the Laird of Dunypace for ane warrand to the Justice Clerk to desert the dyet of proces.

Lowries and Duthie. Suplicatioun: Lowries against Duthie and utheris.

Craigiewallace. Prorogatioun of ane protectione in favours of Craigiewallace.

Scott and Herson. Complent of ryott; Scott against Hersone.

Douglas of Stanypeth. Suplicatioun: Dowglas of Stanypeth for advyce of certane persones commissionat to pas upoun ane thift.

The Rev. Joseph Lowrie. Prorogatioun of ane Act ordeaneing M^r^ Joseph Lowrie, minister at Stirling, to enter in waird within Glasgow.

Lord Lindores. Prorogatioun of protectioun for the Lord Lindors.

The baillie depute of Glencairn. Suplicatioun: the bailyie deput of Glencairne for advyce from the Lords of Counsell anent the criminall persute against Thomas Patersone.

Crichton of Frendraught. Suplicatioun: Crichtoun of Frendraucht for ane warrand to the Justice Clerk to prorogat ane dyet of proces.

James Smith and Robert Dykes. Deforcement: James Smith against Robert Dykis.

Ryott: Patrick Willsone against Patrick Angus.

Patrick Wilson and Patrick Angus. Complent for wrongous imprisonement: James West, baxter, against the bailyies of the Cannongait.

James West. Andrew Hamilton and James Paterson. Deforcement and Ryott: M^r^ Andrew Hamiltoun against James Patersone.[1]

Holyrood House, 1st February 1631. *Sederunt.*—Chancellor; President; Privy Seal; Murrey; Galloway; Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Tracquair; Secretary; Advocate; Justice Clerk; Sir John Scot. Acta January 1631-May 1632. Fol. 40, b.

Margaret Wood to be put to the torture in presence of the Council. "The Lords ordains Margaret Wod to be putt to the tortour of the bootes the morne at ten of the clocke in the laich Counsellhous of Edinburgh, and that the whole Counsell be present when

[1] Here ends the Register of the Minute Book of Processes.

Acta January 1631-May 1632. Fol. 40, b.

the tortour is givin; and continewes thair resolutioun anent the tortouring of Johne Meldrum and Johne Toshauche till Thurisday nixt."

Fol. 41, a.

"The Lords allowes the Ladie Fendraucht, Magdalene Inneis and Christiane Chalmers to returne home; and the Laird of Fendraucht obleist himselfe for exhibitioun of Christiane Chalmers when he sall be required betuix and Witsonday nixt." Laird and Lady of Frendraught.

Decreta, January 1630-February 1631. Fol. 152, a.

[Sederunt as recorded above with the addition of Wintoun.] Holyrood House, 1st February 1631.

For the better enabling of Sir John Scot of Newburgh to come to terms with Andrew Scot, chirurgeon, burgess of Edinburgh, who has presently the management of his whole estate and living, as well as for satisfying the rest of his creditors, the Lords grant him their protection to come to and remain in Edinburgh until the last day of February. Protection to Sir John Scott of Newburgh.

Fol. 152, b.

Similar protection granted to Sir George Home of Manderstoun till 31st March next for pursuit of such persons as have practised against his life and estate by witchcraft. Protection to Sir George Home of Manderston.

Supplication by Sir John Seatoun of Barns and Mr. James Cockeburne, provost of Hadintoun, to whom their Lordships gave commission for the trial of Adam Bredie, son of John Bredie of Frierdykes, Robert Bredie, son of Walter Bredie of Birkcleuche, and the said John Bredie, for the theft of seven sheep belonging to Arthur Douglas of Stanypeth, with orders to report the process of their conviction, as follows:—They had fenced a court in the tolbooth of Hadintoun and put the said persons upon trial, and the said Adam was found guilty of the theft of the sheep, and John and Robert of being art and part therein as counsellors and hounders out of the said Adam; and they crave direction as to what sentence they will pronounce. The Lords ordain the petitioners to pronounce sentence of banishment from this kingdome upon the foresaid criminals, and to take them acted to depart hence within twenty days after being released from ward and not to return again without his Majesty's licence. Supplication by Sir John Seton of Barns and Mr. James Cochrane, Provost of Haddington, anent the sentence to be pronounced on certain sheep-stealers.

Sederunts, November 1629-January 1635. Fol. 45, a.

[In the Sederunt here, Wyntoun appears.] Holyrood House, 1st February 1631.

"The quhilk day his Majesteis Advocat produceit a new commissioun for the Surrendars and Teyndis under his Majesteis hand aggreable in all to the formar without ony change except onlie of the quorum frome three to sax; whilk commissioun wes delyverit to Sir Johne Scott to be exped the Chancellarie." The Surrenders and Teinds.

Royal Letters, 1623-33. Fol. 192, b.

"After our verie heartilie commendatiouns to your good lordship. By this inclosed copie of a letter frome the distrest and exiled ministers of the Palatinat your lordship will perceave with what great calamitie and miserie they have beene afflicted thir diverse yeeres bygane, the Letter of Council to the bishops anent a contribution in aid of the ministers of the Palatinate.

consideratioun quhairof moved his sacred Majestie out of trew pitie and compassioun of thair distresses to give order for a generall collectioun to be made throughout all the kirks of his kingdome of England suche as the charitable devotiouns and liberaliteis of his subjects in so important a caus sould affoorde, and his Majestie by his letter hes recommendit the lyke course and order to be followed out heere. And whereas this is ane worke of christiane charitie quhairunto we ar in good hope that all religiouslie disposed persouns will frankelie and willinglie contribute, these ar thairfoir to requeist and desire your good lordship to recommend this mater to the ministers within your diocie and to will thame to recommend it to the charitable devotioun of thair particular flockes, and that some short tyme be appointed for collecting thairof within everie parish, and that the moneyes leveyed in everie parish be delyvered to the moderatour of the presbyterie to be sent in be him to George Suttie and Williame Gray, merchants burgesses of Edinburgh, or anie ane of thame in absence of the other, who ar appointed be his Majesteis Counsell to be receavers thairof, and that this be reallie done betuix and the last day of Apryle nixtocome; becaus the importance of the bussines is suche as can suffer no delay. And not doubting bot your lordship will be more solist and carefull in this bussines nor we can write, we committ your lordship to God. From Halyrudhous the first of Februarie, 1631. *Sic subscribitur*, Geo: Cancell., Monteth, Hadintoun, Morrey, Galloway, Seafort, Lauderdaill, Gordoun."

Royal Letters, 1623-33. Fol. 193, a.

Followes the letter abonementiouned:—

Gratia et pax a Domino Deo nostro.

Letter from the exiled ministers of the Palatinate to the Council.

Reverendissimi in Christo patres, archiepiscopi, antistites et pastores humiliter honorandi. Postquam nobis a quibusdam honestis viris significatum est literas nostras supplices 24° Septembris superioris anni ad R[everentias] D[omino] V[estras] destinatas non solum recte traditas sed etiam non gravate acceptas, ac posthabita summa annonæ caritate, et inopia rei frumentariæ, aliisque difficultatibus quamplurimis, quibus in præsentia regnum Scoticum affligitur; nihilominus ad sublevandam egestatem nostram αγαπην quandam colligere conclusum esse, immanè quantopere hoc munere exhilarati sumus. Certe ut aquæ frigidæ erga animam fessam, ita auditio bona e terra ista longinqua. Eousque enim excrevit necessitas nostra ut non possimus non cum propheta conqueri, ærumna supervenit ærumnæ, siquidem ad cumulum istorum malorum ad quæ proximis literis digitum intendimus, accessit grande æs alienum quo plerique nostrum tam graviter onerantur ut solvendo non sint, vel si auctionem faciant omnium residuarum facultatularum suarum. Diffidentur creditorum defervescens benefaciendi proclivitas, nuditas ex vestibus et calceis longo usu detritis, multitudo imbecillium senum, arthriticorum, puerperarum, et aliorum ægrorum effacibus remediis

Royal Letters, 1623-32. Fol. 193, a. refocillandorum, immisericordia quorundam receptatorum tyrannica quadam violentia indignissime et abjectissime nostrates exagitantium, et tantum non ut a mancipiis servitia indeterminata exigentium, summa

Fol. 193, b. rabies nonnullorum pastorum Lutheranorum, populum non modo in pessimum affectum, tanquam furiæ et alastores incitantium, et contra nos moventium; sed etiam ira inani quadam barbarie denegantium officia christianæ sepulturæ, nosque tanquam atheos, pacis publicæ inhabiles, ipso cacodemone deteriores, sine modo proscribere ac sedibus exilii sui pellere satagentium, persuadentium sibi, nobis deflorescentibus aut prorsus sublatis, ipsorum res egregie processuras, sibique ex voto redituram pulchritudinem pacis et suavissimam quietem. Hæc et sexcenta alia nobis vitam invitam et exilium per se satis acerbum reddunt acerbius ac efficiunt ut sæpe cum psalte optemus alas columbinas ad evolandum quam longissime commoraturi in deserto ut eripiamur ab absurdis et protervis istis hominibus. Sed qua via? Heu! hoc opus; hic labor. Iterum cum Davide suspiremus necesse est: periit effugium, quocunque itinere pergamus; abdiderunt hostes laqueum nobis. Quid multis? altius vix ire potest afflictio; si insisteremus celsissimo monti, magnitudinem et multitudinem omnium miseriarum prospicere non possemus. Hæc cum ita sint, cum undique ab hostibus circumclusi sumus, et indigenis odio tanquam avibus ululæ, nec inter illos quisquam sit qui hæc recognoscat nec ullo sensu calamitatis nostræ afficiatur, sive respicias ad dextram sive ad sinistram; nec æquum ut identidem fatigemus munificas istas ecclesias, quorum beneficentiam aliquoties experti sumus, nec etiam cum cicadis rore vesci possumus. Non arbitramur nobis vitio dari posse, si denuo subsidii alicujus gratia R[everentiarum] D[omino] V[estrarum] fores pulsemus, et aliquantum inverecundius pium vestrum propositum urgeamus, quod numero illo de colligenda universale eleemosyna per singula regna munificentissimi exulum regis ad renovata et promulgata diplomata nihill sufflaminatum et dilatum videtur. Non est quidem de nihilo ex Anglia auram satis benignam nobis afflare, pro qua merito debitas justasque agimus gratias Deo, regi et omnibus regni benefactoribus; sed χαρις hæc, quantacunque est, in tanta exulum multitudine vix sufficit pani quotidiano comparando, nedum mercedi locationis vestimentis aliisque rebus plurimis quorum accessione vita hæc carere non potest. Cum autem certum sit nunquam ita caute collectas administrari et distribui posse etiam ab optimo dispensatore quin ratio administrandi sit obnoxia sinistris rumoribus præsertim si distributio fuerit juxta proportionem gravetanam[?] quam observare jussi sumus, visum fuit hic includere catalogum exulum cujus in proximis literis facta est mentio et quorum numerus, recensitis singularum familiarum capitibus, tum excurrebat ultra septingentos diversæ ætatis et sexus personas nunc vero paulum inminutus ob deleta nomina eorum qui interea temporis aut fatis concessere aut aliorsum ad functiones promoti sunt. Quod nobiscum non subscripserint omnes

coexules collectam participantes nemo miretur. Sunt enim tam longe lateque per diversas Superioris et Inferioris Germaniæ ditiones dispersi ut impossibile sit omnium subscriptiones cogere. Ut autem et hac in parte constaret nos bona fide tanquam in conspectu Dei et hominum agere, quosdam præcipue auctoritatis municipes hujus urbis aliosque singulari zelo orthodoxæ religioni et pietati addictos (qui maximam partem ultra quadriennia his collectæ negotiis egregiam operam navarunt) requisivimus et rogavimus ut relationem hanc nostram acceptatione quadam peculiari scripto comprehensam et subsignatione nominum suorum ratam facerent. Id quod etiam nullo negotio (utpote quibus nostra integritas non ignota est) impetravimus, ut videre est ex adjuncta formula quam eo libentius transmittimus, ut ex omni parte veritas respondeat dictis, nostrasque querimonias non esse familiares nænias nec ascribendas esse epidemico petacitatis morbo, qua nihil potentius aut impudentius, sed magistræ necessitati. Estote ergo, R[everendissimi] P[atres] et præstantissimi viri misericordes et datores hilares, succurrite Christo in membris suis esurienti, nudo, laboranti, et ultimam necessitatem patienti, edite quoque ad exemplum propemodum omnium orthodoxarum ecclesiarum et in unitate fidei nobis consentientium qualicunque subministratione specimen quoddam charitatis Christianæ, atque facto et veritate demonstrate vos vere esse filios Dei, carnem nostrum, compatientia membra corporis Christi, fratres genuinos et fidei consortes. Hæc sunt illa munera et bona opera quæ vere imitantur hamos, hoc est, conferendis eleemosynis minime fieri pænitendum operæ pretium aut damnum sed honestum lucrum, usuram licitam, ac Jehovam sibi acceptum ferre beneficium pauperi collatum; omnemque liberalem eleemosynæ communicationem esse sationem in locis irriguis et feracibus factam quam tandem uberrima messis amplissimæ benedictionis consequetur. Sed acrius instare non decet ne αγαπη huic haud dubie jamjam necessitati nostræ libenter destinatæ videatur aliquid extortum. Valete R[everendissimi] P[atres] et antistites viri præstantissimi. Deus ecclesias vestras florentissimas omnibus Satanæ machinationibus et corruptelis clementer custodiat ut sint perpetuum asylum omnibus Christi causa profugis, Amen.

Royal Letters, 1623-33. Fol. 193, b.

Fol. 194, a.

Norinbergæ 30 Junij 1630.

V[estras] R[everentias] D[omino] humillime colentes superioris archipalatinatus exules omnium vero nomine,

Georgius Symmer a publico ministerio ecclesiæ et curiæ sacræ Ambergensis nunc exul manu propria.

Ambrosius Tolmer quondam ecclesiæ Turschenatensis pastor et dioceseos Waldecensis inspector nunc vero in agro Norico exul manu propria.

Gebhardus Agricola quondam ecclesiæ Aurbacensis pastor et inspector exulans in Maresidnatu manu propria.

Jonas Liburgus judex archipalatinat. Cænobii Weiston, nunc in exilio ad sacræ collectæ negotia deputatus Norimbergæ manu propria.

Sederunts, November 1629-January 1635. Fol. 45, b.

—President; Hadintoun; Wintoun; Linlythqu; Garleis; Seaforte; Lauderdaill; Lord Arskene; Lord Melvill; Lord Tracquair; Secretary; Advocate; Justice Clerk; Scottistarvett. Edinburgh, 2nd February 1631.

"The quhilk day the Laird of Frendraught become cautioun for his wyffe and the Laird of Banff thair remaining within the burgh of Edinburgh till they be laughfullie fred ather of thame under the pane of ane hundreth thousand merkis, and Banff become cautioner for George Spens under the pane of fyve thousand merkis." Caution by the Laird of Frendraught for his wife and the Laird of Banff.

Acta January 1631-May 1632. Fol. 41, a.

Sederunt—Chancellor; President; Privy Seal; Murrey; Wintoun; Linlithgow; Galloway; Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Tracquair; Secretary; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Holyrood House, 3rd February 1631.

"The whilk day Captane Peter Rollock, compeirand personallie before the Lords of Secreit Counsell, actit and obleist himselfe to compeir before the saids Lords when ever he sall be cited at anie tyme betuix and the last of Marche upon ane lawfull citatioun of ten dayes, intimatioun being made thairof at the domicile of M^r^ Peter Rollock of Piltoun, his uncle, and answere to suche things as sall be demanded of him tuicheing the burning of Fendraucht under the pane of fyve thowsand merkes." Obligation by Captain Peter Rollock to appear before the Council anent the burning of Frendraught.

"The Lords of Secreit Counsell hes found and accordinglie ordains that the whole Counsell sall conveene upon Saturday in the laich Counsel hous of Edinburgh at nyne of the clocke in the forenoone and to examine Johne Tosheauche upon suche interrogatours as sall be givin in aganis him, and as the Counsell sall have leasure to caus putt him to the tortour of the bootes; and if nothing sall be cleered be his depositioun that than the Lords upon Mononday thereafter conveene Johne Meldrum before thame, and after examinatioun to putt him to the tortour of the bootes." John Toshauch and John Meldrum to be put to the torture in presence of the whole Council.

"The Lords ordains the Laird of Fendraucht to exhibite Alexander Bythe upon Tuisday come aucht dayes whairof intimatioun wes made to him, being personallie present." The Laird of Frendraught.

"The Lords allowes Robert Spence, Gilbert Milne, George Crichtoun, James Barbour, James Shewane, Robert Somervell and David Seatoun to goe home to attend thair awne effaires." Gilbert Milne and others to be allowed to go home.

"The whilk day the Laird of Fendraucht undertooke to make Thomas Jose and Johne Gib furthcummand at anie tyme betuix and the last of Marche, and that he sould send to Bruntilland for George Gammie." Laird of Frendraught.

"The whilk day Johne Leslie, younger of Pitcaple, compeirand personallie before the Lords of Privie Counsell, become actit and obleist as cautioner and souertie for Richard Mouat that he being releeved out of warde sall compeir personallie before the saids Lords upon ane lawfull Caution by John Leslie, younger of Pitcaple, for Richard Mouat.

citatioun at anie tyme betuix and Witsonday nixtocome under the pane of ane thowsand merkes." Acta January 1631-May 1632. Fol. 41, a.

Margaret Wood. "The Lords modifeis and allowes to Margaret Wod twentie shilling in the day for her interteanement till Tuisday nixt."

Holyrood House, 3rd February 1631. [Sederunt as recorded above.] Decreta, January 1630-February 1631. Fol. 153, a.

Complaint by Andrew White, Keeper of the Tolbooth of Edinburgh, against the Laird of Frendraught, who refuses to pay the complainer for the maintenance of John Toshe, servitor to the said Laird, while in ward in the said Tolbooth. Complaint by Andrew Quhyte, keeper of the Tolbooth of Edinburgh, as follows:—John Toshe, servitor to the Laird of Fendraucht, was warded within the tolbooth of Edinburgh on 28th December last, and was kept there by one of the complainer's servants until 29th January last, when he was transported to the castle of Edinburgh. The charge for his maintenance during that period amounts to £21 6s. 8d., which the complainer has frequently sought from the Laird of Fendraucht, but he refuses to pay unless he is compelled to do so. The pursuer appearing personally, and the defender by Mr. James Baird, his procurator, and parties being heard, the Lords ordain the said Laird of Fendraucht to make payment to the pursuer of the said jailor-fee.

Edinburgh, 5th February 1631. *Sederunt*—Chancellor; Privy Seal; Wintoun; Linlithgow; Wigtoun; Galloway; Seafort; Lauderdaill; Lord Lorne; Areskine; Carnegie; Tracquair; Secretary; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Acta January 1631-May 1632. Fol. 41, b.

Warrant to give out copies of the depositions anent the house of Frendraught. "The Lords of Secreit Counsell ordains and commands the Clerk of Counsell to give out copies of the depositiouns concerning the burning of Fendraucht and of all that is incident or occurred thairin to the partie whome it apperteanes in regarde the tryell and probatioun hes beene publictlie deduced."

Torture of John Toshauch and John Meldrum to be postponed. "The whilk day the Lords of Secreit Counsell upon petitioun of George, Lord Gordoun, and Williame, Lord Hay, continewes the tortouring of Johne Toshauche and Johne Meldrum till forder evidences and proofes be brought aganis thame tuicheing thair guiltines or foreknowledge of the burning of the hous of Fendraucht, and that betuix and the last of Marche nixt."

Holyrood House, 5th February 1631. Letter to a Commissioner of the Middle Shires anent the holding of a Court at Dumfries. "After our verie heartilie commendatiouns to your good lordship. We dealt with suche of the commissioners of the Middle Shyres as wer in this toun to have made thair addresse to Dumfreis and to have assisted your lordship at this court appointed be your lordship to be haldin at the burgh of Dumfreis upon the aucht of this instant, bot the unseasonable weather and long storme furnished unto thame ane verie just caus of excuse and inabilitie to keepe this dyet. We have considered the commissioun grantit to your lordship and the rest of the conjunct and subcommissioners, and in our opinioun your lordship may proceid to the halding of your Court with the presence of anie one of the subcom- Royal Letters, 1623-33. Fol. 192, b.

Royal Letters, 1623-32. Fol. 192, b.

missioners of whome your lordship will have the Laird of Amisfeild readie at hand; and if your lordship find anie scruple or doubt in this point your lordship may continew your court for some certane dayes and againe that tyme order sall be tane that your lordship sall be accompanied with a competent nomber of the commissioners. And so with the remembrance of our best affectiouns, committing your lordship to Gods protectioun, we rest. *Subscribitur*, Geo: Cancell., Monteth, Hadinton, Linlithgow, Wintoun, Galloway, Seafort. At Halyrudhous the fyft day of Februarie, 1631."

Acta January 1631-May 1632. Fol. 41, b.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Galloway; Seafort; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Holyrood House, 8th February 1631.

"The Lords of Secreit Counsell having heard Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, tuicheing one Nicolsone, belman in the kirk of Prestoun, who being ane maried man, hes committed adulterie with ane ministers daughter within the steeple and bodie of the kirk, the Lords ordains the Advocat to persew him criminallie for the same according to the law." The bellman of Preston Kirk.

"The whilk day Johne Cruikshanke, being brought before the Lords of Privie Counsell and examined anent some particulars concerning Johne Meldrum, Richard Mouat, and others, whairin they finding him to varie in his depositiouns the Lords ordains him to be committed to closse prisoun in the tolbuith of Edinburgh." John Cruikshank.

"The whilk day the Laird of Fendraucht undertooke for George Gammie to make him furthcummand at anie tyme when he sall be lawfullie charged betuix and the last of Marche." The Laird of Frendraught.

"The whilk day the commissioun underwrittin anent the surveying of the lawes wes presented to the Lords of Privie Counsell and read in thair audience, quhilk being read and considderit be thame they ordaine the same to be insert and registrat in the bookes of Privie Counsell, of the whilk the tennour followes:—CHARLES R. Our Soverane Lord, considering that his Majestie out of his zeale and care to establishe ane certane and constant course in all the supreme courts and justice seates als weill civill as criminall within his ancient kingdome of Scotland did by his Majesteis letters patents under the great seale of the dait at Whitehall, the secund day of Julij 1628 yeeres, give and grant ane ample commissioun to certane of his Majesteis Counsell and others most expert in the lawes of the said kingdome for surveying, recognoscing, and considering of the lawes, statuts and Acts of Parliament of the said kingdome, als weill printed as not printed, with the customes and consuetudes of the same quhilks ar and hes beene observed as lawes within Letter from his Majesty appointing a Commission for surveying the laws.

Fol. 42, a.

the said kingdome, and to report thair advice and opinioun thereanent to his Majestie to the effect his Majestie may thereafter with consent of his three estaits in Parliament establishe and inact the same in forme of lawes. And albeit the said commissioun wes accepted with all humilitie be the commissioners thereanent, yitt in respect of sindrie interveening impediments the samine hes not takin the effect quhilk his Majestie wished. And thairfoir his Majestie in the lait Conventioun of Estats haldin and begun upon the 28 day of July last caused the said commissioun with the utilitie and necessitie thairof to be propouned to the saids three Estats, who after dew consideratioun thairof with uniforme consent in all humilitie acknowledged his Majesteis fatherlie care and affectioun to the weale of the kingdome in granting the said commissioun and humbelie desyred some moe persouns out of ilke estait to be added to the former commissioners. And his Majestie being most willing to satisfie the humble desyre of the saids Estats, thairfoir his Majestie out of his princelie zeale and affectioun to justice and true and fatherlie love to his people, ordains ane letter to be exped under his Majesteis great seale, giving, granting and committing, lykeas his Majestie gives and grants full power and commissioun to George, Vicount of Dupline, Lord Chanceller; Johne, Archbishop of S^{t} Andrewes; Williame, Erle of Mortoun, Lord Thesaurar; William, Erle of Monteth, Lord President of his Majesteis Privie Counsell; Thomas, Erle of Hadintoun, Lord Privie Seale; Johne, Erle of Mar; Alexander, Erle of Linlithgow; Robert, Erle of Roxburgh; Johne, Erle of Lauderdaill; Patrik, Bishop of Abirdeene; Patrik, Bishop of Rosse; Johne, Bishop of Caithnes; Adame, Bishop of Dumblane; Johne, Lord Lowdoun; David, Lord Carnegie; Archibald, Lord Naper; John, Lord Tracquair; Sir Williame Alexander, principall Secretarie; Sir James Skeene of Currihill, knight, President of the Session; Sir Archibald Achesone of Glencarnie, Secretar; Sir Johne Hamiltoun of Magdalens, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat; Sir George Elphinstoun of Blythswod, knight, Justice Clerk; Sir Johne Scot of Scottistarvet, Directour of the Chancellarie; Sir Alexander Gibsone of Durie, Sir Thomas Hendersone of Chesters, Sir Andro Fletcher of Innerpeffer, Sir James M^{c}Gill of Cranston Riddell, knight baronnet; Sir James Oliphant of Newtoun, knight baronnet; Sir James Learmonth of Balcolmie; Sir George Afleck of Balmanno; Sir Robert Spotswod of New Abbey; M^{r} George Halyburtoun of Foderance; Sir Robert Gordoun, knight baronet; Sir Alexander Strauchane of Thornetoun, knight baronnet; Sir Patrik Hepburne of Wauchtoun; Sir William Cunninghame of Caprintoun; Sir James Foulles of Colinton; Sir Johne Scrimgeour of Duddop, Constable of Dundie; Alexander Areskine of Din, Sir Johne Hamiltoun of Lettrick, William Douglas of Cavers, Johne Boill of Kelburne, Sir James Lokhart of Lee, Areskine of Pittodrie, Thomas Crombie of Kemnay, Johne Gordoun of Buckie;

Acta January 1631-May 1632. Fol. 42, a.

Fol. 42, b.

Acta January 1631-May 1632. Fol. 42, b.

Mr Robert Learmonth, Mr Andro Aittoun, Mr Thomas Nicolsone and Mr Lewes Stewart, advocats; Alexander Clerk and Johne McNaucht, burgesses of Edinburgh; Mr James Cokburne, provest of Hadintoun; Mr Johne Hay and Mr Alexander Guthrie, toun clerkes of Edinburgh; John Cowane, burgess of Stirline; and Johne McKesone, clerke of Carraill; or to anie sevin of thame with the said Chanceller, Thesaurar, President of the Counsell, and the said Lord Privie Seale, or anie one of thame, to meit and conveene at quhatsomever tymes and places convenient, and to read, recognosce and consider the saids haill lawes, statuts and Acts of Parliament of the said kingdome, als weill printed as unprinted, togidder with the customes and consuetudes of the said kingdome quhilks ar and have beene observed as lawes within the samine, ather in the civill or criminall judicatoreis, and quhilks have beene receaved in practise by decreits of the Lords of Sessioun or Justice Generall; and to that effect to caus be exhibite before thame be the Clerk of Register, Justice Clerk, and thair deputs, the haill registers and rollis conteaning the lawes and Acts of Parliament of the said kingdome, als weill unprinted as printed, with the registers of decreits and interloquutors of the saids Lords of Sessioun and Justice Generall, togidder with the booke intituled Regiam Majestatem, quhilk conteanes ane record of the ancient lawes and customes observed within the said kingdome, and after dew consideratioun thairof to sett doun thair advice, opinioun and judgement under thair hands anent the printing of suche lawes and statuts as ar not yitt printed, and anent the ommissioun of suche acts and statuts as ar abrogat or become in desuetude and out of use. And siclyke to collect and sett doun the haill customes and generall consuetudes inviolablie observed in the said kingdome als weill in the civill as criminall judicatoreis, to the effect the samine may be authorized and confirmed be forme of law and statute, without prejudice alwayes of the lawes, acts, statuts and practicks, decreits and interloquutors conceaved in favours of the Crowne; and that they report thair overtures and judgment to his sacred Majestie heeranent betuix and the ellevint day of October nixtocome, or with convenient diligence, to the effect his Majestie with consent of the Estaits of his Parliament may see to the redresse thairof for the weele of the said kingdome. Givin at his Majesteis honnour of Hamptoun Court the twelfe day of October, 1630. And the saids Lords ordains the commissioners abonewrittin to be writtin for to this day fyftene dayes to accept the commissioun and to give thair oath and to appoint thair tymes and dyets of meeting."

Fol. 43, a.

Decreta, January 1630-February 1631. Fol. 153, b.

[Sederunt as recorded above.]

Holyrood House, 8th February 1631.

Obligation by Archibald Maxwell of Cowhill to pay

Archibald Maxwell of Cowhill, compearing personally, enacts himself to make payment to George, Viscount of Dupline, Lord High Chancellor of this kingdome, and Collector-General of the Taxation granted to his

to the Lord Chancellor the taxation of the Sheriffdom of Dumfries.

Majesty in October 1625, before 30th April next, of £163 16s. 8d. as part of the taxation of the sheriffdom of Dumfreis, £212 10s. 0d. as part of the tax of Eskdaill lying within the said sheriffdom, £196 10s. 0d., as part of the tax of Ewisdaill within the said sheriffdom, and £120 as part of that of Wauchopdaill, for which he is at the horn at the instance of the Chancellor. Decreta, January 1630-February 1631. Fol. 153, b.

Supplication by William Dick and John Dick, sheriffs of Orkney and Shetland, as to the punishment of Walter Feya, who has cut off a woman's ears. If found guilty the said Feya's ears are to be cut off.

Supplication by William Dick and Mr. John Dick, his son, tacksmen of the earldom of Orkney and lordship of Zetland, and sheriffs within these bounds as follows:—Their lordships know "how that one Walter Feya in Zetland hes laitlie verie cruellie cutted out the lugges of ane poore womans heid," and they crave that their Lordships will prescribe his punishment. The Lords ordain the petitioners to call the said Walter Feya before them, put him to trial, and if they find him guilty to sentence him to have "the lugges" cut out of his head.

Supplication by Sir John Vaus of Barnbarroch and Patrick Vaus, his son, for protection and the postponement of their trial.

Fol. 154, a.

Supplication by Sir John Vaus of Barnbarroch and Patrick Vaus, his son and heir apparent, as follows:—They are charged at the instance of Ninian Fleeming of Craichdow to answer to his complaint of their illegally taking and imprisoning him. They were resolved to obey the charge, but the weather has been so unseasonable that Sir John, on account of his great age, could not possibly travel, and the said Patrick has come with great difficulty and at the hazard of his life to answer. But the fear of some civil hornings which he and his father underlie disables them, and they therefore crave a short postponement of the case and their Lordships' protection. The Lords continue the case until 17th February and grant the protection craved until the 18th.

Protection to Kennedy and Stewart.

"The lyke protectioun grantit to James Kennedie of Blairquhan, and Josias Stewart of Ravinstoun till the last day of Februarie instant."

Holyrood House, 8th February 1631. John Tosheaugh.

"The Lordis modifyis xij ŝ. in the day to Johnne Tosheaugh to be payit to him be the Lord Gordoun during his inprisonment [*sic*] in the Castell." Sederunts, November 1629-January 1635. Fol. 46, b.

Holyrood House, 10th February 1631.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Seafort; Lauderdaill; Lord Gordoun; Lord Lorne; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquair; Bishop of Dumblane; Secretary; Clerk Register; Advocate; Justice Clerk. Acta July 1629-December 1630. Fol. 43, a.

Trial anent the burning of Frendraught postponed.

"The Lords of Secreit Counsell continewes the tryell and examinatioun of witnesses anent the burning of Fendraucht at the instance of parteis till the 24th of Marche, or otherwayes that the Lord Gordoun and Lord Hay be lawfullie chargit to that effect."

The Lady Frendraught and Margaret Wood.

"The Lords ordains the Ladie Fendraucht to be warned to Tuisday; to declare to the Counsell what course she craves to be takin aganis Margaret Wod for cleering the truthe, and if she will remaine during that tyme or if she will goe home and leave the same."

Acta January 1631-May 1632. Fol. 43, a.

"The Lords of Secreit Counsell modifeis and allowes to Johne Toshauche, now prisouner within the Castell of Edinburgh, twentie shillings daylie for his interteanement during his remaining in waird within the said castell to be payed to him be the Lord Gordoun by whois procurement he is now deteanned within the said castell." Twenty shillings allowed to John Toshauche during his ward.

"The Lords of Secreit Counsell considering that Margaret Wod, having takin to her the false name of Jeane Wod, her sister, sometyme servitrice to the Laird of Pitcaple, did compeir before his Majesteis Counsell and so farre as in her lay did lay the odious and treasonable cryme of burning of the hous of Fendraucht upon a baroun and gentleman of good qualitie, and thereafter in her severall depositiouns made before the saids Lords did opinlie and manifestlie perjure her selfe, blaspheme the name of Almightie God, and abuse with her false lees and calumneis the saids Lords of his Majesteis Counsell, for the quhilk they thinke her unworthie to live and to be most worthie of the punishment of death, thairfoir the saids Lords ordains Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, to caus forme and make Margaret Wod her processe and dittay upon her manifest falsett, blasphemie, perjurie and others crymes foresaids at lenth specified and sett doun in her depositiouns and to persew her criminallie for the same before his Majesteis Justice and his deputs in the tolbuith of Edinburgh, anent the doing of the whilks premises the extract of this act sall be unto the said Lord Advocat ane warrand." Margaret Wood to be tried for perjury.

Decreta, January 1630-February 1631. Fol. 154, b.

[Sederunt as recorded above.]

Holyrood House, 10th February 1631.

Complaint by Andrew Ker, burgess of Selkirk, and Mr. John Ker, town clerk there, as follows:—Mr. Patrick Schaw, minister at Selkirk, possessed with a groundless and "inveterat haitrent and malice" against them, abuses the authority of his place for the execution of this private grudge. By his discourses in the pulpit and his politic suggestions otherwise he has influenced the Council and community of that town to believe that he, the said Mr. John, has betrayed the common estate of the said burgh and sold the liberties thereof to Sir John Murrey of Philiphauche, knight, and James Murrey, his son, by a sasine given to them of the petty customs of the said burgh, and so he has rendered the said Mr. John hateful to the people. Further, on 10th December last the said Mr. Patrick came to the tolbooth of Selkirk where the bailies and the said Mr. John were sitting together dealing with the inventories of the extraordinary taxatioun, and having privately caused convene the council, without any lawfull citation of or complaint of party against the said Mr. John, he publicly accused him of treason against the town, falsehood in giving of the said sasine and perjury in breaking his oath of fidelity to the said town. The said Mr. John replied that the said sasine was lawfully given by Andrew Ker, sheriff Complaint by Andrew Ker, burgess of Selkirk, and Mr. John Ker, town-clerk there, against Mr. Patrick Shaw, minister at Selkirk, whom they accuse of bringing various false charges against them.

depute of Selkirk, in obedience to a precept from Chancery proceeding upon a resignation made by the said Sir John Murrey, and that he could not refuse to be notary thereto seeing he was sheriff clerk for the time, yet the sasine was in no way prejudicial to the town, and there was nothing more in the said James's sasine given in December 1625, than was in that of his father, Sir John, given in 1606. This answer satisfied the council, who found that they could not be competent judges in such a matter and discreetly forbore to meddle further therewith. Finding himself disappointed the said Mr. Patrick, with the assistance of a faction whom he had seduced, caused convene the whole burgesses and inhabitants of the town by tuck of drum and sent for the said Mr. John and Andrew Ker. They appeared, and Mr. John again took exception to this disorderly challenge, but answered as formerly, whereupon the said Mr. Patrick rose and in the heat of his passion "threatned the said M^r^ Johne with his stalffe, callit him ane traitour and ane false knave, [and] commandit him to remove." He having obeyed, the said Mr. Patrick "so overruled the simple ignorant people that he made thame beleeve that the toun wes betrayed and sauld be the compleaners, and with his awne mouth pronunced the doome of perjurie aganis thame both and deposed the said M^r^ Johne of his office of toun clerkship, dytted ane act thairupon, promitted faithfullie to warrand thair proceedings, and to keepe the toun skaithelesse from all danger that might attend thame for that caus; and thereafter with the lyke lawlesse insolence the said M^r^ Patrick cryed out to the hearing of all—Hang thame. Quhairupon the commoun people following his exemple cryed aloud, some, Crucifie thame; some, Shoote thame at posts; Putt thame in the theeves hole; and Durke thame presentlie." Moreover, the said Mr. Patrick "Sabbothlie sensyne exclames in his sermones aganis the compleaners, calling thame tratours, false knaves and perjured lownes, and out of the pulpit hes discharged the people to converse with thame, or to haunt thair companie, exhorting thame to abhorre and detest thame as excommunicat persons," and certifying such as disobey that they will be repute as partakers with them and be cast out as they are. Charge having been given to the said Mr. Patrick Schaw, and to William Elliot and William , bailies of Selkirk, the bailies being cited to produce the foresaid unlawful act and process, and both pursuers and defenders appearing, and the said act being produced subscribed with a number of hands, and parties and witnesses having been heard, the Lords find "that the said M^r^ Patrick Schaw hes beene the author and occasioun of the summar proceedour aganis the persewers and inorderlie deprivatioun of the said M^r^ Johne Ker, clerk, being nather formallie callit nor anie fault tryed and that he hes caried himself as a clerk and dytted the act declaring the persewers to be uncapable to bruike office within the burgh of Selkirk, and that in the pulpit he pointed so lyvelie at the persewers in his discourse that all the people knew that he meant

Decreta, January 1630-February 1631. Fol. 154, b.

Fol. 155, a.

Fol. 155, b.

Decreta, January 1631-February 1630. Fol. 155, b.

be thame; and thairfoir the saids Lords ordains the said Mr Johne Ker to be repouned to his office of clerkship in the said burgh and the act made aganis the saids persewers to be rescindit, and they repouned to thair credite; lykeas the saids Lords ordains the said Mr Patrik Schaw to absteane from medling in the civill effaires of the toun except onelie in what he may labour to sattle the parteis in peace betuix and this day fyftene dayes; whiche the said Mr Patrik, being personallie present, promised to doe, untill whiche tyme the saids Lords continues thair sentence aganis the said Mr Patrik, and ordains him to compeir and report that day what he hes done or proceidit thairin."

Sederunts, November 1629-January 1635. Fol. 47, a.

"That chargeis be direct aganis the shireffis, conveynaris of the Justiceis of Peace and commissionaris chosin at Michaelmes to the nixt Parliament within the shirefdomis of, etc., to compeir to heir and see a course tane and sett doun for remeding the abuse of presenting of plaiding to mercattis in rollis." Holyrood House, 10th February 1631. Anent presenting plaiding in rolls when sent to market.

"The Lordis assignis the first of Marche to the Laird of Barnis and to Nicoll Uddart and Mr Alexander Guthrie, who compeirit for the toun of Edinburgh and rest of the burrowis, toucheinge the expediencie of setting up of beaconis upon the iland of May; and ordanis the maisteris of shipps to be warnit to the said day." Beacons on the Isle of May.

"Ordanis Mr Lues Steuart to be warnit to Twisday nixt." Mr. Lewis Stewart.

Royal Letters, 1623-33. Fol. 194, b.

After our verie heartilie commendatiouns to your good lordship. Whereas at the lait conventioun of the estats in the moneth of July last your lordship wes nominat to be one of the commissioners for surveying of the lawes, and the commissioun being now exped the great seale, his Majestie expects that some panes sall be tane thairin for bringing that worke, whiche is so important and honnourable for the countrie, to ane good conclusioun. And thairfoir these ar to requeist your good lordship to make your addresse heere upoun the twentie twa day of Februarie instant to the intent your lordship with the rest of the commissioners who ar writtin for may accept the commissioun upoun yow and appoint tymes and dyets of your meitings. And so looking for your precise keeping of this dyet we committ your lordship to God. Frome Halyrudhous the tent day of Februarie 1631. *Subscribitur*, Geo: Cancell., Hadintoun, Wintoun, Lauderdaill, Seafort, L. Gordoun. Holyrood House, 10th February 1631. Letter by the Council to the persons who had been appointed commissioners for surveying the laws.

Acta January January 1631-May 1632. Fol. 43, b.

Sederunt.—Chancellor; Privy Seal; Murrey; Wintoun; Galloway; Seafort; Bishop of Dumblane; Lord Melvill; Lord Carnegie; Lord Tracquair; Master of Elphinston; Secretary; Clerk Register; Advocate; Justice Clerk. Holyrood House, 15th February 1631.

"The Lords ordains the Laird of Fendraucht to exhibite Alexander Byth upon Thurisday nixt, and in the meantyme to deteane him in his companie." The Laird of Frendraught.

"The Lords of Secreit Counsell nominats and appoints and thair- Charge to certain

ministers to visit Margaret Wood, who is about to be tried for perjury.

withall gives warrand and commissioun to Mr Andro Ramsay, Mr William Struthers, and Mr Harie Rollock, minister of Edinburgh, or anie twa of thame conjunctlie to repaire to Margaret Wod within the tolbuith of Edinburgh at suche tymes and occasiouns as they may convenientlie meit, and to declare unto her that for her manifold forgereis, perjureis and lees she is to be persewed criminallie to the death before his Majesteis Justice; and in regarde thairof to confer and deale with her by prayer and exhortatioun to make her sensible of her sinfull estate, grieved for her offences, and to bring her to ane ingenuous and sincere declaratioun of the truthe of her depositiouns. And the Lords allowes Alexander Wod, uncle to the said Margaret, to be present with the ministers and to confer and speake with the said Margaret in thair presence and hearing, and ordains the provest and bailleis of Edinburgh to permitt the saids ministers and Alexander Wod to have accesse to the said Margaret Wod and conference with her at all tymes and occasions in maner aboneexpremit, for doing whairof the extract of this act sall be unto the whole persouns respective foresaids a sufficient warrand." Acta January 1631-May 1632. Fol. 43, b.

Commission anent a whale which had come ashore at Kirkcaldy.

"Forsameekle as the Lords of Secreit Counsell ar informed that there is latelie ane whaill come in at Kirkaldie whairwith the countrie people intends without forme or order to intromett in prejudice of these who hes right thairto, for preventing of quhilk extraordinar doing the Lords of Secreit Counsell gives and grants commissioun and warrand be thir presents to Boswell of Balmowto to keepe and preserve the said whaill and to suffer no persoun whatsomever to meddle and intromett with the said whaill whill he receave new order and directioun concerning the same, whairof he sall be shortlie advertised. And ordains letters to be direct to command, charge and inhibite all others his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to meddle nor intromett with the said whaill, bot to suffer and permitt the said Laird of Balmouto to meddle thairwith, as they and everie ane of thame will ansuer upon the contrarie at thair highest charge and perrell."

Charge to Thomas Kirkpatrick of Closeburn and Bryce Sempill of Cathcart to appear before the Council anent a dispute between them.

"Forsameekle as the Lords of Secreit Counsell ar informed that upon occasioun of some controverseis betuix Thomas Kirkpatrik of Closburne and Bryce Sempill of Cathcart anent certane soumes of money acclamed be the said Bryce fra the said Thomas, his estait is lyke to be altogidder ruyned if some moderat course be not tane for preventing of the same, thairfoir the Lords of Secreit Counsell, according to his Majesteis warrand and directioun sent unto thame in this mater, ordains letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the day of Februarie instant to heare and see some moderat and equitable course tane by a friendlie submissioun or otherwayes betuix thame for preventing the ruine whairwith the said Thomas and his estait is threatened upon Fol. 44, a.

Acts January 1631-May 1632. Fol. 44, a.

occasioun of thir differenceis, under the pane of rebellioun and putting of thame to the horne, with certificatioun, etc.—Followes his Majesteis missive for warrand of the Act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelouit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Being informed of a contraversie betuix Thomas Kirkpatrik of Closburne and one Bryce Sempill, whairby the said Thomas is lyke to be utterlie ruinated in his whole estait be the said Bryce, our pleasure is that having cited the parteis before yow, yow take suche ane equitable course by thair submissioun unto yow or otherwayes as yow sall thinke requisite for preventing anie wrong that the said Thamas may suffer by that meanes; and in caise that either of the parteis will not hearken unto reasoun that yow acquaint us thairwith, that thereafter we may proceed thairin as we sall thinke most convenient; whiche recommending to your speciall care we bid yow farewell. Frome our Court at Newmercat, the 29 of Januarie, 1631."

Decreta, Jannary 1630-February 1631. Fol. 156, a.

[Sederunt as recorded above.]

Holyrood House, 15th February 1631.

Supplication by Thomas Kirkpatrik of Closburne for protection that he may appear before the Council as charged.

Supplication by Thomas Kirkpatrik of Closburne, as follows:—He has been heavily troubled by Bryce Sempill of Cathcart and Robert Charters of Kelwod on account of some debts and for removing from his lands which have been apprised by Sempill for some great sums of money "easilie acquired" by him. He had offered them all reasonable satisfaction, first before friends and then before their Lordships, his terms being far beyond any interest or sums disbursed by them, but can "gett nothing bot extremitie and rigour of thame, quhilk he wes not able to undergoe." In these circumstances he had represented his hard case to his Majesty, who has been pleased to write to their Lordships to see order taken in the matter, but being at the horn at the instance of Sempill and Charters he dare not attend the settling without a protection, which accordingly he craves. This the Lords grant to him until 15th March next that he may attend their Lordships in this business.

Fo'. 156, b.

Complaint by Andrew White, keeper of the Tolbooth of Edinburgh, against the Laird of Innes, whom he accused of defrauding him.

Complaint by Andrew Quhyte, keeper of the tolbooth of Edinburgh, as follows:—John Inneis of Crombie owes the complainer 210 merks of principal with interest thereon, and in his desire to satisfy the complainer he gave directions to his brother, the Laird of Inneis, to satisfy his creditors, and the complainer among the first, for he has disponed his estate to him, and the said Laird is in possession of his funds. But though the complainer has pressed the said Laird to pay him, in terms of a missive from the said John Inneis, yet he refuses to do so. The said Laird being summoned to appear and give his oath whether his brother arranged with him for the payment of the complainer, and if he

had any money of his brother's, and both parties compearing, the defender deponed negative and was assoilzied. Decreta, January 1630-February 1631. Fol. 156, b.

Holyrood House, 17th February 1631.

Sederunt—Chancellor; Privy Seal; Murrey; Wintoun; Linlithgow; Galloway; Lauderdaill; Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord Carnegie; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Acta January 1631-May 1632. Fol. 44, a.

Charge to John Gordon of Craig, Papist, to remove from Cupar to Craill.

"Forsameekle as Johne Gordoun, elder of Craig, being upon some speciall considerations concerning the religioun presentlie profest within this kingdome confynned within the burgh of Couper of Fyfe and a myle about the same, and commanded that during the tyme of his abode there he sould admitt conference with the ministrie and that he sould not heare messe nor resset jesuits, seminarie nor messe preists, under the pane of fyve hundreth punds, besides the forefeyture of the thrid of his and his sonnes estait and living quhilk wes modified unto him be the Lords of Privie Counsell for his interteanement during the tyme of his confynning, as the act made to this effect bearis, notwithstanding the saids Lords ar informed that there is a daylie resort of persouns suspect in religioun to the said Johne, with whome he hes not onelie secreit conference, bot there is manie pregnant presumptiouns that other practises ar interteanned amongs thame in hurt and prejudice to the trew religioun; and one of the causes of the frequent resort of thir suspect persouns to the said Johne proceeds frome this that the burgh of Couper lying in the hie way betuix the north and the south furnishes occasioun to persons going north and south to conferre and meit with the said Johne, quhereas if he wer confynned in a more obscure and quyet place thir frequent occasiouns of meiting with suspect persons would be removed. Thairfoir the Lords of Secreit Counsell hes thought meit and expedient that the said Johne his confynning sall be changed fra the burgh of Couper to the burgh of Craill; and thairfoir ordains letters to be direct charging the said Johne Gordoun, elder of Craig, to make his addresse to the said burgh of Carraill and there to remaine and within a myle about the same, and not to transcend the bounds thairof whill he be fred and releeved be the saids Lords, within sax dayes nixt after he be chargit thairto, under the pane of forefeyture of the modificatioun foresaid made and allowed to him of the thrid of his and his sonnes estait and living, and forder under the pane of fyve hundreth punds specifeit and conteanit in the former act foresaid, with certificatioun to him and he failyie in the premises and in not observing his former act anent his confynning within the burgh of Couper that he sall be decerned not onelie to forefeyte the said modificatioun bot lykewayes to incurre the said pane of fyve hundreth punds." Fol. 44, b.

Charge to Sir John Campbell

"Forsameekle as Sir Johne Campbell of Calder, knight, having made

Acta January 1631-May 1632. Fol. 44, b.

shamefull apostasie and defectioun from the trew religioun presentlie profest within this kingdome, and being for that caus and for not reconciling himselfe to the discipline of the Kirk orderlie and lawfullie excommunicat, he wes thairupoun charged be vertew of letters raised at the instance of Johne, Bishop of Murrey, and Mr Robert Craig, procurator for the Kirk, to have reconciled himselfe to the Kirk and to have submitted himselfe to the discipline thairof within a certane space after the charge under the pane of horning; lykeas for his proud and

Fol. 45, a.

wilfull contempt and disobedience of that charge he wes upon the 13 of Marche, 1629, denunced rebell and putt to the horne, as the letters of horning indorsat and registrat aganis him bearis; and becaus he remained most proudlie and contempnandlie at the said processe of horne and excommunicatioun, as he does yitt unrelaxt, and keeped his hous of Calder as ane starting hole and place of refuge for persons trewlie suspect in thair religioun, there wes thairfoir letters aganis him whairwith he wes chargit be Alexander Guthrie, Marchemont Herald, to rander and delyver his said place and fortalice of Caddell to the said herauld under the pane of treasoun; lykeas for a culloured show of obedience the said Sir Johne made a forme of randering of the said hous by delyverie of the keyes to the said herauld, who yitt hes the saids keyes in his keiping. And it being expected that nane durst have presoomed to have medled with the said hous so long as the same wes keeped in his Majesteis name and the keyes thairof in the hands of his herauld; notwithstanding it is of truthe that upon the day of , Williame Campbell etc., with others thair complices come to the said place and fortalice of Caddell, brake up the drawbridge thairof, dang up the yetts and doores of the same, made new lockes and keyes thairto, hes possest thamselffes within the said place, hes fortified the same with men, victuall and armour, keepes the same as ane hous of warre ressetts jesuits, seminarie and messe preists and others suspect persons within the same, who by the confort, ressett and supplee they find in that hous ar incouraged to continew in thair erroneous opinions to the high and proud contempt of his Majesteis auctoritie and lawes. Thairfoir ordains letters to be direct charging the persouns foresaids to compeir personallie before the Lords of Secreit Counsell at ane certane day to answere to the premisses and to heare and see suche ordour tane thereanent as they may be punished in thair persons and goods for the proud contempt foresaid under the pane of rebellioun, etc., with certificatioun, etc."

Of Calder and others, all Papists, to appear before the Council and answer for fortifying the house of Calder after it had been surrendered to his Majesty.

"The Lords of Secreit Counsell with consent of Captane David Alexander and Simeoun Hednix, maister and partner of the shippe callit the Lewda, and of the loadning of Spanish salt and other goods being within her, ordains and commands David McCaw, merchant burges of Edinburgh, to delyver to Williame Dick, merchant burges of the said burgh, the haill moneyes receaved be the said David for the salt being within the said shippe and sauld be the said David at directioun of the saids Lords;

Charge to David M'Caw to pay to William Dick the money he had received from the sale of the salt of the ship Lewda.

anent the doing whairof the extract of this act with the said Williame Dick his acquittance of the recept of the said soume sall be unto the said David M^cCaw ane sufficient warrand." Acts January 1631-May 1632. Fol. 45, a.

The Laird of Frendraught and Alexander Bythe.

"The whilk day Alexander Bythe compeired before the Counsell, and the Lords ordains the Laird of Fendraucht, who wes personallie present, to keepe the said Alexander and to be answerable for him till the last of Marche."

Holyrood House, 17th February 1631.

[Sederunt as recorded above.]

Decreta, January 1630-February 1631.

Alexander Barclay and John Cochrane, messenger, committed to ward for abusing the office of messenger.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Campbell in Barnefurde, his informer, as follows:—Notwithstanding of the Acts of Parliament for the restraining of messengers and officers of arms from abusing their office, yet Alexander Barclay in Maybole, having raised letters against John and Gilbert Kennedy for mutilation of him, and having delivered the same to John Cochrane, messenger, for the summoning of an assise, in collusion with him summoned a number of persons not contained in the roll of assise, and agreed with them for their remaining at home on payment of composition, viz., John Campbell of Barefurde, John Boill in Cassillis, John Boill in Crawfurdstoun, Quintene Boill in Kirkmichaell and John Fultoun in Kirkgannoch, every one of whom gave half a boll of oats and 12s. of silver; Charles Campbell in Cassintoun who gave four pecks of oats; James Mure in Thomastoun, who gave two dozen of "keilling" and a goose; John M^cIndert, who gave half a boll of oats; and John Bodde in Carsto, who gave three pecks of groats. This form of "scafferie" and oppression ought to be severely punished. Pursuers and defenders compearing and they and certain witnesses having been heard and examined, the Lords find the complaint proven against the defenders *quantum ad victoriam causæ*, whereby they have committed "ane verie great scafferie and oppressioun upon his Majesteis subjects," and they ordain them to be warded in the tolbooth of Edinburgh until their Lordships shall liberate them, and to pay eight merks to each of the witnesses. Fol. 157, a. Fol. 157, b.

Complaint by John Trotter, merchant burgess in Edinburgh, anent his caution for Captain John Daw.

Complaint by John Trotter, younger, merchant burgess of Edinburgh, as follows:—On 26th July last he became cautioner before their lordships for Leveane Rickleman, master of the ship called The Sanct Peter of Calais, that on account of his release from arrestment here he would before 1st November last secure the release of Captain John Daw at Burdeaulx, and payment to him of the value of his ship which was arrested there by Rickleman and his partners, under a penalty of £8000 Scots. He has been careful to see these terms fulfilled, and so Captain Daw has been released, and payment made to him of 5000 francs, which was the appraised value of his ship as seized by the owners of the Calais ship taken by him, and which sum was consigned by them in the hands of one Fonquet in Burdeaulx, as the contract made thereupon Fol. 158, a.

Decreta, January 1630-February 1631. Fol. 158, a.

between the said parties before Monsieur de la Lane, Lieutenant-general of the Admiralty of Guyenne on 14th November last in the "parquet royall" of the said Admiralty and under its seal royal produced to their Lordships shows. Charge having been given to the said Captain John Daw to compear and see an Act of Council made in terms of the above, and he failing to compear, the Lords declare the pursuer to have satisfied the foresaid act of caution, and to be free of all further claim at the hands of the said Captain Daw, but without prejudice to the right of the said Captain to pursue for damage sustained by him through the settlement referred to being fourteen days later than was appointed.

Fol. 158, b.

Supplication by Patrick Vaus, fiar of Barnbarroch, for continuance of his protection.

Supplication by Patrick Vaus, fiar of Barnbarroch, as follows:—Their Lordships granted to him a protection for attending them to answer the complaint of Ninian Fleeming of Craigdow till the 18th instant, and the case has been continued for eight days. Since he has come to this burgh some of his creditors have been dealing with him to satisfy their claims, which he is very willing to endeavour to do if their Lordships will extend his protection. The Lords grant him until the 27th instant at night.

Fol. 159, a.

Holyrood House, 17th February 1631. Charge to the Laird of Wauchtoun to produce the beadle of Preston kirk before the Council.

Royal Letters, 1623-33. Fol. 194, b.

After our verie heartilie commendatiouns. We have heerewith sent unto yow ane commissioun for apprehending of the beddell of the Kirk of Prestoun who shamefullie forced and abused ane ministers daughter within the bodie of the kirk of Prestoun to the offence and dishonnour of God, the executioun of the whiche commissioun we doe heirby recommend to your care and diligence, requeisting yow to have ane speciall care that this fellow be speedilie apprehendit and sent in heere; quhairin yow will doe acceptable service and good pleasure to us. And so we committ yow to God. Frome Halyrudhous the 17 day of Februarie, 1631. *Subscribitur*, Geo. Cancell., Hadintoun, Wintoun, Linlithgow, Lauderdaill, Melvill, Hamiltoun.

Acta January 1631-May 1632. Fol. 45, b.

Holyrood House, 22nd February 1631.

Sederunt—Chancellor; Murrey; Linlithgow; Bishop of Dumblane; Melvill; Carnegie; Secretary; Clerk Register; Advocate; Sir Johne Scot.

George, Viscount of Dupline, and others accept commission for surveying the laws.

"The whilk day, George, Vicount of Dupline, Lord High Chanceller of this kingdome; Alexander, Erle of Linlithgow; Adame, Bishop of Dumblane; David, Lord Carnegie; Sir James Skeene of Currihill; President of the Sessioun; Sir Archibald Achesone, Secretar; Sir Johne Hamiltoun, Clerk of Register; Sir Johne Scot of Scottistarvet, Directour of the Chancellarie; Sir Thomas Hendersone of Chesters, Sir Andro Fletcher of Inverpeffer, Sir James M^{c}Gill of Cranstoun Riddill, Sir James Oliphant of Newtoun, Sir James Learmonth of Balcolmie, Sir George Afleck of Balmanno, Sir Robert Spotswood of New Abbey, M^{r} George Halyburtoun of Foderance, Sir Patrik Hepburne of Wauchtoun, Sir James Foullis of Colintoun, Sir Johne Scrimgeour of Duddop, Sir James

Lokhart of Lee, John Boill of Kelburne, Alexander Clerk, provest of Edinburgh; Johne Cowane, burges of Stirline; Johne M^cKesone, clerk of Carraill; M^r Robert Learmonth, M^r Lewes Steuart, M^r Andro Aittoun, advocats; Johne M^cNacht, burges of Edinburgh and M^r Alexander Guthrie, toun clerk there, accepted upon thame the commissioun for surveying the lawes and gaif thair oath for faithfull discharge of the same," Acta Jannary 1521-May 1632. Fol. 45, b.

Time and place of meeting of above Commission.

"The Lords ordains the commissioners abonewrittin to meit in the Exchecker hous upon Mononday nixt at eight of the clocke and to appoint the tymes of thair meeting for ordering the maters committed to thair charge."

Charge to the lieges to abstain from selling and eating flesh during Lent on pain of specified fines.

"Forsameekle as the slaying, selling and eating of flesh in tyme of Lent hes beene upon verie good respects and considerations by diverse Acts of Parliament and Secreit Counsell straitlie prohibite and forbiddin within this kingdome under certane panes mentiouned and conteanned in the same acts, nevertheles the Lords of Secreit Counsell ar informed that diverse persouns of all rankes and qualiteis, preferring thair awne privat contentment to the obedience of the law, ceasses not in tyme of Lent to slay, sell and eate flesh at thair pleasure, to the great hurte of the commounweale and contempt of all good order and governement. And whereas the persouns offending in this kynde presoomes of oversight and impunitie be reasoun of the connivence alledgit shawin unto thame in tyme bygane, quhilk is ane great inducement to thame to continew in thair wilfull contempt and breake of the law, thairfoir the Lords of Secreit Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persouns as darre heerafter presoome to violat the same in this point. And Fol. 46, a. thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree so ever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that nane of thame presoome nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of flesh under the panes following, to be uplifted of everie persoun contraveening so oft as they failyie, that is to say, of everie erle ane hundreth punds, of everie lord ane hundreth merkes, of everie baroun fourtie punds, of every burges, oastler, or commoun cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed; as alsua that no fleshers presoome nor take upon hand to sell or slay fleshe during the tyme foresaid of Lent under the pane of fourtie punds so oft as they failyie; and by and attour the payment of the pecuniall soumes foresaids the offenders sall be punished in thair persons at the discretion of his Majesteis Counsell: And siclyke to command and charge all and sindrie shireffs, stewarts, provests and bailleis within burgh, and all

Acta January 1631-May 1632. Fol. 46, a.

others bearing anie publict office or charge within the kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictiouns have a speciall care and regarde to see this present act observed in everie point; and where they sall happin to discover anie person or persons contraveening thir presents that they take notice of thair names and informe his Majesteis Counsell thairof, to the intent the offenders may be callit to thair answere and punished accordinglie."

Letter from his Majesty granting licence to the Lords of Council, Session, and Exchequer to eat flesh in time of Lent.

"CHARLES R. Charles, be the grace of God, king of Great Britane, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whome it effeires to whois knowledge thir our letters sall come, greeting. Forsameekle as we have givin and grantit and be the tennour heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchecker and to suche as sall accompanie thame at table to eate flesh during this forbiddin tyme of Lent and upon Wedinsday, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding quhatsomever acts and proclamatiouns made in the contrare, whereanent and all panes conteanit thairin we dispense be thir presents, discharging heirby our Justice, our Advocat and Justice Clerk and all others our judges, officiars, and ministers of our lawes of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Counsell, Sessioun and Exchecker and persouns accompanying thame at table, as said is, or anie of thame, for the caus foresaid, discharging thame thairof and of thair offices in that part *simpliciter* be thir presents. Givin under our Signet at Halyrudhous the 22 day of Februarie and of our reigne the saxt yeere 1631. *Subscribitur*, Geo: Cancell., Morrey, Linlithgow, Melvill, Carnegie, Arch. Acheson, Hamiltoun, Scottistarvet."

Decreta, January 1630-February 1631. Fol. 159, a.

[Sederunt as recorded above.]

Holyrood House, 22nd February 1631.

Complaint by William Porter, merchant burgess of Edinburgh, and George Gordon, messenger, against Archibald Gourlay, indweller in the Canongate and others, whom they accuse of assault while legally poinding the goods of the said Gourlay.

Complaint by William Porter, merchant burgess of Edinburgh, and George Gordoun, messenger, as follows:—Porter had employed the said messenger to execute certain letters of poinding against Archibald Gourlay, indweller in the Cannogait, and they looked that no violence should have been used against them so near the residence of his Majesty's Council. Notwithstanding this, when the said messenger had in the execution of his office poinded certain of the plenishing of the

Fol. 159, b.

said Gourlay, William Mar, trumpeter, his wife; Isaac Hamiltoun, notary in the Cannogait, and Alexander Baxter, James Dawsoun, Alexander Ramsay and Arthur Barrie, toun officers of the Cannogait, armed with swords, whingers and "bandit stalffis," came to the messenger, violently took from him the poinded goods, chased him and his witnesses for their lives, hurt and wounded them with their weapons to the effusion of their blood, "kuist thame under thair feit and shame-

fullie tramped upon thame lyke dogs, threatning to kill thame if they did not leave thair poynding." Thus they deforced the said messenger, frustrated the said William Porter of the benefit of his Majesty's laws for recovery of his debt, and disgraced his Majesty's government. Charge having been given to these persons, and both pursuers and defenders compearing probation was referred to the evidence of witnesses, when the Lords found that the said William Mar struck the said officer at the time libelled, and for this they fine him 20 merks to be paid to the said officer; and reserve to the pursuers their civil action for the deforcement before the Lords of Session whenever they think it expedient to prosecute it. Decreta, January 1630-February 1631. Fol. 159, b.

Complaint by Alison Nisbet, who alleges that she has been detained many months in ward on a charge of witchcraft without being brought to trial.

Complaint by Alison Nisbitt, as follows:—She has been for many months past kept in prison in great misery and distress on the mere suspicion of witchcruft, none having appeared to pursue her, and those that informed against her only desire that her imprisonment be endless, and that she may die in it. Charge having been given to Mr. Alexander Kinneir, parson of Quhitsome, Henry Strang in Dykeheid, Isobel Nisbitt, widow of Andrew Purves, Archibald Prestoun, Alexander Ludgat, Bessie Monylawes, his wife, Janet and Bessie Strang and Elspet Nisbitt, who informed against her, to compear and see order given for fixing a day for the complainer's trial before the Justice, or failing that, to see her ordained to be put to liberty; and the pursuer appearing by Andrew Whyte, keeper of the tolbooth of Edinburgh, and of the defenders Mr. Alexander Kinneir, Marion Burne (not formerly mentioned) and Elizabeth Nisbitt, the Lords, after hearing parties, give commission to Adam, Bishop of Dumblane, Sir John Hamiltoun, Clerk of Register, Sir Thomas Hope, Advocat, and Sir John Scot or any two of them, to examine the said Marion Burne and Elizabeth Nisbitt on the morrow in the Laich Council hous as to her guilt, and they ordain the said Mr. Alexander Kinneir to give in a list of the witnesses he intends to produce against the said Alison Nisbitt, so that letters may be direct against their masters for their compearance at the trial, which is to be before 22d March next. Fol. 160, a.

Supplication by John Stewart of Coldingham for continuance of protection.

Supplication by John Stewart of Coldingham, as follows:—The protection granted to him for settling his accounts with Alexander Cranstoun of Moreistoun and Robert Douglas of Blaikester respecting their nine years' intromission with his living of Coldingham, expires upon the last day of this month. They have made some good progress, but on account of the unwillingness of these parties to come to a settlement delays and difficulties have arisen, and he craves an extension of his protection in order to bring matters to a conclusion. The Lords grant him till 31st March next. Fol. 160, b.

Holyrood House, 22nd February 1631. William Campbell and the house of Caddell.

"That chargeis be direct aganis Williame Campbell and his compliceis for breking of the hous of Caddell." Sederunts, 1625-29. Fol. 48, a.

Acta January 1631-May 1632. Fol. 46, b.

Sederunt—Chancellor; Privy Seal; Murrey; Wintoun; Lin- Holyrood House, 24th February 1631.
lithgow; Wigtoun; Galloway; Lauderdaill; Bishop of Dum-
blane; Lord Melvill; Lord Carnegie; Lord Tracquair; Master
of Elphinston; Secretary; Advocate; Justice Clerk; Sir
John Scot; Sir James Baillie.

"The Lords of Secreit Counsell ordains the assessours appointed to the Justice for the tryell of Margaret Wod to report the processe upon Tuisday togidder with thair advice concerning the relevancie of the dittay." Margaret Wood. See *ante*, p. 141.

Decreta, January 1630-February 1631. Fol. 160, b.

[Sederunt as recorded above.] Holyrood House, 24th February 1631.

Fol. 161, a.

Complaint by Ninian Fleeming of Craichdow as follows:—On 1st December, 1626, Sir John Vaus of Barnbarrow came to the complainer's dwelling-house by way of hamesucken, and without any warrant seized upon the complainer's person, carried him as a prisoner to , and kept him captive there for days, when he dismissed him. At the desire of friends the complainer "packed up this injurie," hoping that there would be no repetition of "suche lawlesse usurpatioun of his Majesteis auctoritie." But on 2nd January last, being Sunday, the said Sir John, with some accomplices, came by way of hamesucken to the complainer's dwelling-house, notwithstanding that it was the Lord's day, and without any warrant seized him and carried him prisoner to Barnbarroch, where he kept him captive till the 5th of the said month. Charge having been given to the said Sir John, and the pursuer compearing but not the defender, the Lords ordain the latter to be denounced rebel and escheat. Complaint by Ninian Fleming of Craichdow against Sir John Vaus of Barnbarroch, whom he accuses of hamesucken and interference with his liberty.

Fol. 161, b.

Supplication by Sir David Livingstoun of Donypace, John Livingstoun, his son, and David Barclay of Maderis as follows:—Sir David and his son are very desirous to sell certain portions of their lands for the satisfaction of their creditors, and David Barclay, as cautioner for them, is ready to help so far as lies in his power, but they require to attend at Edinburgh with their advocates and procurators for this purpose, and therefore crave their Lordships' protection for a certain space. The Lords grant them till 31st March next. Supplication for protection by Sir David Livingston and his son.

A similar protection and for the same period is granted to James Kennedie of Blairquhan and Josias Stewart of Ravenstoun. Similar protection granted.

George Buchannan, apparent of that Ilk, compearing personally before their Lordships, enacts himself that within the next twenty days he will obtain Sir John Buchannan of that Ilk, William Livingstoun of Kilsythe, and Walter M°Awlay of Ardincaple, or any two of them, to act as cautioners for him, under the penalty of £100, that he will pay the sum of 2550 merks with the interest and expenses contained in his bond and letters of horning thereupon to Mr. Archibald Cameron, minister at Obligation by George Buchanan of that Ilk to obtain caution.

Inchecallioch, which he is due to him, at the first term of Whitsunday next. Nonpayment is to involve the said penalty in addition to what is due.[1] Decreta, January 1630-February 1631. Fol. 161, b.

Holyrood House, 24th February 1631. Complaint by the King's Advocate against Alexander Gordon, fiar of Carnbarrow, and others, all Papists, who have failed to satisfy the orders of the Council.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, as follows:—On 20th July last Alexander Gordoun, fiar of Carnebarrow, Margaret Gordoun, goodwife of Cormellait, and Alexander Leslie in Conrachie compeared before the Council and obliged themselves before 15th September, each under the penalty of 500 merks, perpetual imprisonment, and the loss of the aliment allowed to them from their estates, either to conform to the presently established religion or leave the country and not return without his Majesty's licence; and further they bound themselves under the penalty of £500 not to reset Jesuits or priests meanwhile; and John Leslie, sometime of New Leslie, also compeared that day and obliged himself under the penalty of £500 to leave the country before Martinmas next; but they have not observed the same. The three first named having been cited and not compearing, the Lords decern them to have incurred the said penalties, and ordain letters to pass thereon for execution. Fines, 1614-31. Fol. 137, b.

Holyrood House, 24th February 1631. Letter to the judges of assize for the county of Londonderry anent Bryce Sempill of Cathcart.

May it please your lordships. By supplicatioun exhibited unto us at the Counsell table by Bryce Sempill of Cathcart, Esquire, we doe perceave that he is bound over to the nixt assises for the countie of Londounderie for his appearance than and for observing his Majesteis peace in the meane tyme; and in regarde the said Bryce Sempill is necessarilie imployed and trusted in his Majesteis service and speciall commissioun of valuatioun or survey of a great part of the shyre quhairin he liveth in this kingdome so that he cannot without great prejudice to his Majesteis service be licenced to depart this realme before May nixt, our requeist thairfoir on his behalfe is and upon his humble sute unto us we have thought fitt heirby earnestlie to intreate your lordships to excuse and dispense with his awne personall appearance at the nixt Lent assises without forefeytting or estreateing his bands and to accept of his former sureteis of the peace to be bound over of new againe for the said Bryce his appearance at the nixt Lambmesse assises and for his keeping the peace in the meane tyme, quhairby his partie may find no prejudice bot securitie frome his feare and all maner of danger whiche may ensew frome or by the procurement of the said Bryce Sempill. All whiche we doe heartilie recommend to your lordships favourable constructioun in the behalfe of the gentleman, who hath ever caried himselfe weill in this kingdome, etc. Halyrudhous, 24 February, 1631. *Subscribitur*, Dupline, Canc., Hadintoun, Murrey, Galloway, Lauderdaill, Carnegy, Tracquair. Royal Letters, 1623-32. Fol. 194, b. Fol. 195, a.

Holyrood House, 1st March 1631.

Sederunt—Chancellor; Privy Seal; Bishop of Dumblane; Lord Melvill; Traquair; Secretary; Advocate; Justice Clerk; Sir John Scott. Acta January 1631-May 1632. Fol. 46, b.

[1] Here ends this volume of the Decreta.

Acta January 1631-May 1632. Fol. 46, b.

"The whilk day Mr James Cockeburne, provest of Hadintoun, compeirand personallie before the Lords of Privie Counsell, accepted upoun him the commissioun for the lawes and gave his oath." Mr. J. Cockburne accepts the commission for the laws.

"The whilk day Thomas Jose compeirand personallie before the Lords of Privie Counsell, the saids Lords ordains the Laird of Fendraucht to be tane cautioner for his compeirance upon the first Counsell day of Junij or sooner upon a citatioun of ten dayes under the pane of twa thowsand merkes." Laird of Frendraught to become caution for Thomas Jose.

"The Lords ordains Margaret Wods processe to be continewed till Wedinsday come aucht dayes." Margaret Wood.

Sederunt—Chancellor; Privy Seal; Dumblane; Melvill; Tracquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Scottistarvet; Sir James Baillie. Holyrood House, 3rd March 1631.

"Forsameekle as the criminall dyet appointed to Johne Meldrum of Reidhill, Alexander Leslie of Auquhorsk, Alexander Leslie of Elrick, Robert Dempster in Cushnie, and Patrik Leslie in Legatsden for thair compeirance before his Majesteis Justice to underly the law for the burning of the hous of Fendraucht is continued till the day of Junij nixt, and whereas the saids persouns ar disabled to attend upon this mater and give thair appearance in maner foresaid in respect of some hornings quhilks they underly, thairfoir the Lords of Secreit Counsell prorogats the warrand formerlie grantit to thame to the effect foresaid till the last day of the said moneth of Junij nixtocome, discharging in the meane Fol. 47, a. tyme all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis within burgh, and all others his Majesteis judges, officiars and magistrats to burgh and land, and als all messingers of armes of all taking, apprehending, warding or arresting of the persouns foresaids be vertew of anie hornings, captiouns, commissiouns or other warrand direct thairupon, discharging thame thairof and of thair offices in that part during the space foresaid." Protection to certain persons convened before the justice for the burning of Fendraucht.

"The Lords ordains ane maisser to warne these that ar upon the Committee for perusing of the Grammar to meit upon Tuisday nixt and consider the twa grammars and to labour to reconcile the parteis and report." The committee on Latin grammars.

"The Lords of Secreit Counsell discharges Johne Rentoun of Lammertoun, who wes personallie present, of all carying of anie more victuall to Beruick to be delyvered to Johne Mairshell, and that he make no blockes of victuall, bot sell the same in smallis in the mercat of Beruick for the releefe of the inhabitants of the toun." John Renton of Lamberton and the transport of victual to Berwick.

"The whilk day David Aikinheid, assisted with some of the commismissioners for the Burrowes, compeirand before the Counsell, declared that he perused the overture givin in be the generall of the Cunziehous for reforming the abuse of forrane coyne current within the kingdome, Report by David Aikenhead, assistant commissioner for the burghs anent foreign dollars.

and declared that in regarde the countrie is now fullie stored with dollours that it were not saulfe nor seasounable at this tyme ather to decry or discharge the course of dollours till the countrie were first suppleed with better money, whilk in likliehood may be hoped if the peace with Spaine be of anie continuance. And in the meane tyme the Burrowes thinkes it fitt that ane course be takin for restraining the forder imbringing of dollours be sea or land, and that the coale and salt maisters be dischargit to receave anie dollours for thair coale and salt after the expyring of the tyme to be appointed to that effect, and that the shireffs and justices of peace take speciall care to discover the imbringers of dollours, and a proportion of that whilk sall be deprehendit to be applyed to the use of the discoverer; and declaires that for the better furnishing of the countrie with his Majesteis coyne it wer fitt that the bulyeoun sould be payed in forraine coyne and not by exchange and that no forebulyeoun be takin bot that the same sould be payed be the merchant himselfe to the maister of the Cunziehous after his returne and not to be uplifted be the customers; and speciallie that nane of his Majesteis coyne be brokin, melted nor made bulyeoun of. Quhilk declaratioun made be the said David Aikinheid being heard and consideerit be the Lords of Privie Counsell and they advised thairwith, the saids Lords continews this mater in the estait whairin it stands untill the Conventioun of the Burrowes, and ordains the Burrowes to report at that tyme what forder the burrowes sall resolve upon thairin. And in the meane tyme ordains the said David Aikinheid and M^r^ Alexander Guthrie, who wes personallie present, to give in in writt to the Counsell the reasones and overtures propounded be thame this day to the intent the Counsell may consider thairof."[1]

Acta January 1631-May 1632. Fol. 47, a.

Holyrood House, 3rd March 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 162, a.

Complaint by Sir James Balfour, Lyon-King of Arms, against the Islay Herald, whom he accuses of making him a cipher in his own office.

Complaint at the instance of Sir James Balfoure of Kinnaird, knight, Lyon King of Arms, as follows:—In terms of his Majesty's patent to him of his said office of Lyon King of Arms "he hes the full and sole libertie to visite the armes and badges of the whole nobilitie and states, spirituall and temporall and of all others the subjects of this kingdome of whatsomever ranke and qualitie they be carying armes and cognoissance, as alsua to reforme all adulterat and counterfoote armes; and to conferre armes upon all suche person or persons spirituall according to thair merite, who sall be exalted by favour or learning to places and degrees of honnour and dignitie; and to all suche persons temporall who for service done to his Majestie sall require the same; and to all others persouns whatsomever who ar increast and inriched with possessiouns and priviledges" able to defend the same. Moreover, his said patent

[1] In the Sederunts this Act is also recorded, and there is added at the end "and acquent the officiaris of the Cunyeehous with the same."

Decreta, March 1631-April 1632. Fol. 162, a.

contains an express prohibition to all officers of arms from meddling with anything concerning the said patent, or funerals, interments, and the liberties, profits and commodities due to the said office; and he had caused the said patent to be proclaimed at the market cross of Edinburgh with sound of trumpet and all other solemnities requisite. Nevertheless Thomas Dryisdaill, "Ila Herauld," not content with what is due to his own place, usurps the place of the said Lyon King by giving arms at his pleasure and often to base and unworthy persons "not capable of that order." He has corrupted the arms and badges of sundry of the nobility without the allowance or knowledge either of them or of the complainer, and in everything proper and due to the complainer, he

Fol. 162, b.

"does and undoes at his pleasure, disdaining and contemning to acquaint the compleaner thairwith or to crave his advice and opinioun thairin, and in effect studeis to make the compleaner ane cipher, leaving to him the bare name, and he himselfe to have full and sole administratioun of the compleaners place and office, and with that he does forder what in him lyes to stirre up the rest of the heraulds in a mutinous factioun aganis the compleaner." The pursuer compearing and also the defender, the Lyon King passed from that part of the complaint relating to funerals and interments, and parties having been heard, the Lords ordain the defender "to forbeare the giving out of anie new armes to whatsomever persoun or persons without the advice and approbatioun of the said Lyoun, and that he give not out anie extracts of armes till first his bookes of armes be seene and allowed be the said Lyoun; quhilks bookes the said Lords ordains the said Lyoun to delyver to the said defender betuix and the first day of Maij nixt."

Supplication for protection by Lord Jedburgh.

Fol. 163, a.

Supplication by Andrew, Lord Jedburgh, as follows:—To prevent the utter ruin and decay of his house which is threatened by the great burden of debt under which it lies he is resolved to sell a considerable part of his estate. For this, however, he must come to Edinburgh and obtain "the advice and counsell of advocats resident" there, but cannot do so without their Lordships' warrant, which he therefore craves. The Lords grant him their protection until 1st July next.

Similar protection to Kennedy of Blairquhan.

"Ane protectioun for the lyke caus grantit to James Kennedy of Blairquhan and Josias Stewart of Ravinstoun untill the last day of Marche nixtocome."

Similar protection to Mr. Matthew Crawford.

"The lyke protectioun upon the same ground grantit to Mr. Mathow Crawfurd untill the fyft day of Apryle nixt."

Royal Letters, 1623-33. Fol. 195, a.

Holyrood House, 3rd March 1631.

Letter of Council to the magistrates of Berwick anent the importation of victual into that town.

After our verie heartilie commendatiouns. By your letter of the 26 of Februarie last and by the copeis of the others letters sent thairwith to us we perceave how carefull yow have beene to foresee and prevent the projects and resolutiouns of some of your nighbours who intendit to have frustrat yow of the favour showne by us unto yow tuicheing the suppleing of your toun with cornes now in this tyme of dearth and skarsetie; quhairin we acknowledge yow have done weill seing what we

did thairin wes for the releeffe of your toun altho our owne countrie might not convenientlie spare it, and we assure ourselffes that if the Counsell of England or the maisters and officers of his Majesteis hous wer truelie informed how the caise of your toun now stands they would be sparing to give eare to anie such propositioun so prejudiciall to your toun in this necessitous tyme; quhairof as yow sall find the occasioun yow may make thame acquainted. Quhilk remitting to your awne consideratioun we committ yow to God. Frome Halyrudhous the thrid day of Marche 1631. *Subscribitur*, Geo: Cancell., Hadintoun, Melvill, Tracquair, A. M. Elphinstoun, Arch: Acheson, Hamiltoun, Scottistarvet, James Baillie." Royal Letters, 1623-33. Fol. 195, a.

Holyrood House, 4th March 1631. Supplication by Agnes Maxwell, Lady Stenhouse, for protection that she may come to Edinburgh to settle her affairs.

Supplication by Agnes Maxwell, Lady Stenhous, and Cuthbert Hamiltoun of Cander, her husband, as follows:—She is tutrix testamentar to James Hamiltoun of Stenhous, her son, in whose behalf, out of her motherly affection for him, and for the welfare of the house of Stenhous, she was forced to take upon her the burden of the debts to which he was liable as heir of the deceased James Hamiltoun of Stenhous, his father, which amounted to 17000 merks. Of this burden she has never yet been relieved. Seeing her son is now of age and that through the intervention of friends he and she have arranged for a meeting in Edinburgh to settle all questions between them and the reimbursing her of this said debt, but that she and her husband cannot safely go to Edinburgh without their Lordships' protection, she craves the same. Their Lordships grant it to the supplicants until the last day of March next. Decreta, March 1631-April 1632. Fol. 163, a. Fol. 163, b.

Holyrood House, 8th March 1631. *Sederunt*—Chancellor; Gallouay; Traquair; Dunkeld; Secretary; Clerk Register; Advocate; Justice Clerk; Scottistarvet. Acta January 1631-May 1631. Fol. 47, b.

Report by the commissioners of the burghs anent the circulation of foreign dollars. They suggest that these should not be recalled till the country is better supplied with other coin, and meantime that order should be taken to prevent the further importation of the said dollars.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie David Aikinheid, lait provest of Edinburgh, and M^r^ Alexander Guthrie, toun clerk thairof, assisted with some commissioners for the Burrowes, and gave in thair overtures and reasouns underwrittin anent the mater of the coyne, of the quhilk the tennour followes:—In the particular Conventioun of Borrowes haldin at the burgh of Edinburgh the thrid day of Marche the yeere of God j^m^vj^c^ and thretttie ane yeeres be the commissioners of the Burrowes there conveenned be vertew of ane missive letter direct to thame frome the said burgh of Edinburgh of the dait the fourt day of Februarie last bypast, the whilk day the saids commissioners being conveenned—Whereas there being ane petitioun preferred to his Majestie be the general of the Mynthous of this kingdome conteaning certane overtures for reforming the present abuse of the coyne occasiouned through the course of dollours within this countrie, and the Lords of his Majesteis most honorable Privie Counsell having ordained his Majesteis free Burrowes to be acquainted thairwith and ane copie

Acta January 1631-May 1632. Fol. 47, b.

thairof be delyvered to thame that they might the first of Marche be heard heeranent, and there being ane few nomber of the commissioners of the saids borrowes conveenned, and they having perused the said petitioun and overtures thairin conteanit they did find there would be ane great danger to cry in or stoppe the present course of the saids dollours considering the masse of the haill present coyne of this kingdome did consist of these speces of dollours and that it sould prove verie prejudiciall to the haill lieges if order be takin thairwith before the countrie be sufficientlie provided with other money; and so muche the rather that probablie if the peace sould continew with Spaine the countrie might be disburdenned of the saids dollours and others moneyes brought in. That therefore it would please the saids Lords not to take anie forder order with the saids dollours till more mature deliberatioun wer takin thereanent with advice of all suche as the said mater did concerne. And for preveening of forder incomming of the saids dollours that the saids Lords would be pleased to discharge all persons frome bringing in of

Fol. 48, a.

dollours within this kingdome ather be sea or land and grant ane warrand to his Majesteis shireffs, Justices of Peace, and provests and bailleis within burgh, to searche, seeke, take and apprehend all suche persouns as brings anie of the saids dollours within the kingdome and to confiscat the same, the ane halfe to his Majesteis use and the other halfe to the apprehenders; as lykewayes to discharge the maisters of coaleheuches and saltpannes to receave anie speces of the saids dollours under suche hie panes as it sall please the saids Lords to appoint: and for forder incomming of bulyeoun that the saids Lords would be pleased to discharge the customers frome receaving of bulyeoun, and that the whole bulyeoun be receaved be the maister of the Cunziehous frome the merchants after thair returne frome thair voyages allanerlie and that in forrane coyne and nane in English money, and that all persons be discharged frome melting anie of his Majesteis coyne old or new under suche panes as it sall please the saids Lords to injoyne. Whiche course being in tyme takin doubtlesse will prove profitable to the whole kingdome. And in the meane tyme the present commissioners ordains the said mater to be recommendit to the commissioners to be conveenned at thair nixt generall Conventioun, and ilke burgh to be required to send thair commissioners sufficientlie instructed with thair best advices for reforming the present abuses of the coyne and farder imbringing of money within this kingdome; and this to be ane heid of the nixt missive. Extract furth of the register of the Acts of the Conventioun of Borrowes be me, M^r^ Alexander Guthrie, commoun clerk of Edinburgh and clerk also to the saids Borrowes, witnessing heirto this my signe and subscriptioun manuall. A. Guthrie."

Act of banishment against William M'Lauchlan, who has been guilty of bigamy.

"Forsameekle as Williame M^c^Lauchlane, now prisouner in the tolbuith of Edinburgh, is convict before our soverane lords Justice and his deputs of the cryme of bigamie; and whereas the said Justice hes craved the

counsell and advice of the Lords of his Majesteis Privie Counsell anent the doome to be pronunced be him aganis the said William Lauchlane [sic], and the saids Lords after conference and reasoning heerupoun, considering the nature and qualitie of the offence quhairof few hes occurred of that kynde within this kingdome, and that the said Lauchlane having remained apart fra his first spous be the space of diverse yeeres, whairupoun he alledges ignorance of her being alyve the tyme of his marying of the secund woman, thairfoir the saids Lords ordains his Majesteis Justice and his deputs to call the said Williame before thame in judgement and to pronunce doome aganis him, ordaining him to be banished this kingdome and never to returne agane within the same without his Majesteis licence had to that effect under the pane of death, and for this effect that he depart furth of this kingdome betuix and the first day of Apryle nixtocome under the pane foresaid." Acta January 1631-May 1632. Fol. 48, a.

Obligation by John Stewart and Robert Douglas to forbear injurious speeches regarding each other.

"The whilk day Johne Steuart of Coldinghame and Robert Douglas of Blaikester compeirand personallie before the Lords of Privie Counsell actit and obleist thame to forbeare all injurious speeches the one aganis the other and not to upbraid others with revylling words, either of thame under the pane of twa thowsand merkes, to be uplifted frome the contraveenners to his Majesteis use." Fol. 48, b.

Holyrood House, 8th March 1631.

[Sederunt as recorded above.] Decreta, March 1631-April 1632.

Complaint by James Neilson of Madinpape, burgess of Dumfries, against John Maxwell of Logan, steward-depute of Kirkcudbright, whom he accuses of seeking to bring him, the complainer, before another court than that appointed by the Council.

Complaint by James Neilsoun of Madinpape, burgess of Dumfreis, as follows;—John Maxwell of Logane, steward-depute of Kirkcudbright, having cited the complainer to his court on certain charges of theft, he complained to their Lordships thereupon and obtained summons of advocation against the said steward-depute. The case came before their Lordships on 10th August last, when they, perceiving how that the steward-depute, under cullour of law was but seeking private revenge and the forfeiture of the complainer's estate, discharged him from proceeding against the complainer and appointed the trial of the complainer to be before the Justice in the tolbooth of Edinburgh. To frustrate their Lordships' decree the said steward-depute cited him to appear before the Commissioners of the Middle Shires in their justice court at Dumfries on 8th February last to answer to such charges of theft as should be laid to his charge, or practically *super inquirendis*, there being no specific crimes laid to his charge. Charge having been given for the compearance of Robert, Earl of Nithisdaill, and Sir John Charters of Amisfeild, commissioners foresaid, Mr. Cuthbert Cunninghame and John Mortoun, clerks, John Richardsoun, their procurator-fiscal, and the said John Maxwell of Logane as their informer, and the pursuer compearing by William Neilsone, his procurator, and John Maxwell being also present, but none of the other defenders, and parties being heard, the Lords remit the trial of the pursuer to William, Viscount of Drumlanrig, Fol. 164, a. Fol. 164, b. Fol. 165, a.

Decreta, March 1631-April 1632. Fol. 165, a.

Lord Dalzell, Sir Robert Greir of Lag, and Robert Crichtoun of Ryhill, or any two of them, of whom the Viscount of Drumlanrig shall be one, authorising them to hold courts and try the pursuer on such specific charges as shall be contained in the indictment to be laid against him, and minister justice in the matter conform to law.

Complaint by Thomas Gowdie, merchant burgess of Dumfreis, as follows:—The Commissioners of the Middle Shires proclaimed the holding of a justice court at Dumfreis on 8th February last, and upon the information of Katherine Edzer, widow, Agnes Maxwell, mother, and the remanent kin and friends of the deceased Harbert M^cKie, younger, burgess of Dumfreis, they cited the complainer to underlie the law for the slaughter of the said Harbert M^cKie. Now, in thus acting they have proceeded illegally, because he was already tried on this charge before the Justice and his deputes in the tolbooth of Edinburgh in June, Fol. 165, b. 1623, when it was proved that the said Harbert received no hurt from the complainer, and that "his death proceedit frome the straike of ane hors," and the Justice continued the process until a new citation should be given upon fifteen days' warning. He cannot therefore be brought before new judges, but the final decision must be given by the Justice before whom the case was begun. Besides, the saids commissioners were not clad with their commission at the time of the alleged slaughter in December 1622, and therefore cannot be judges in a matter which did not occur within the term of their commission. Further, the said commissioners cannot be judges to the complainer because the said Agnes, Fol. 166, a. the mother of the said Herbert, who is chief pursuer of the complainer, is "descendit frome the specialls of the name of Maxwell, and being assisted and backed be the Laird of Conhaith, who wes one of the compleaners persewers before his Majesteis Justice Generall, thair power, credite and freindship is so great in these bounds and thair malice so extreme and violent aganis the compleaner as he darre not repaire to anie justice court or commissioner court within the Middle shires; it being weill knowne in the countrie that this persute is not so muche moved aganis the compleaner for anie zeale of justice as of malice." He is most innocent of the crime charged against him, and is "ane ignorant man, not acquainted with the lawes, and greatlie invyed becaus it hes pleased God to blesse his vertewes and industreis with some little portioun of meanes." He therefore pleads that his trial should be advocated from the Commissioners to the Justice Generall and his deputes. The saids Commissioners, being cited and compearing by Robert Maxwell of Logane, and the pursuer also compearing, and parties having been heard, the Lords discharge the said Commissioners of all proceeding in this case, and leave the same with the Justice and his deputes before whom it was first commenced.

Complaint by Thomas Gowdie, merchant burgess of Dumfries, against Katherine Edgar and others, who seek to bring him before a Court where he will not receive justice in the case of the crime with which he is charged.

Fol. 166, b. Complaint by Patrick Abirnethie, tenant to Margaret Crichtoun, Lady Eistnisbit, and the said Lady for her interest, as follows:—She had

Complaint by Margaret Crichton, Lady

East Nisbet, against Alexander Cranston of Moreston, whom she accuses of assaulting her tenant, Patrick Abernethy.

lately gone abroad and Alexander Cranstoun of Morestoun, taking advantage of her absence, on 12th January last fenced a court in East Nisbit, to which he cited the said Patrick Abirnethie and some others of her tenants and declared that he would have them taken bound to do him service under a penalty of £40 each. They refused, and upon the said Patrick offering to him his rent as being all he could lawfully crave Cranstoun "brake ane great battoun upon his head and arme in foure peeces." Pursuers and defender compearing and being heard, and probation being referred to the defender's oath of verity, he confessed that "he strake the said persewer with ane sticke upon the shoulder and brake the same upon him, bot denyed that he strake him on the head." For this the Lords ordain him to pay ten merks to the pursuer and 40s. to each of the witnesses. And because he said to the pursuer in the outer Council house, "If I thought thow sould have compleanned upon so small a fault, I sould have brokin thy heid worse," the Lords ordain him to be warded in the tolbooth of Edinburgh and to remain therein upon his own charges until he pay a fine of £40 to his Majesty's Treasurer.

Decreta, March 1631-April 1632. Fol. 166, b.

Fol. 167, a.

Complaint by Lord Erskine against certain persons who refuse to practise the new process of tanning.

Complaint by John, Lord Areskine, as follows:—At great expense he has brought into this kingdom a number of strangers "skilled and expert men in the tanning of ledder" to instruct the tanners and barkers how rightly "they sall reforme thair potts and dresse and handle thair ledder the tyme that the same lyes in thair potts." Many of the tanners have embraced this reformation in terms of the Acts of Council and public proclamations thereupon, and both their private interest and the public welfare have thereby benefited, yet "the most rude and ignorant in that trade, as namelie, Williame Garioch in Skalloway Bankes, Jehoram Jamesoun, James Broun and Thomes Marjoribankes there" oppose the same, refuse all instruction, and their hides not being allowed to remain in the pots for a sufficient time, are brought to market raw. He pleads that they may be punished for their contempt and compelled to obey the law. The pursuer compearing by Lewes Somervell, his servant, but the defenders not compearing, the Lords ordain that they be put to the horn and escheat.

Fol. 167, b.

Supplication by John Monro for protection that he may satisfy his creditors.

Supplication by John Monro, son of the deceased Mr. John Monro, minister at Tarbet, as follows:—During his minority when he was ignorant of his father's debts some of the creditors took him as cautioner for these debts. His father has died leaving nothing to him but this burden of debt if he will enter heir thereto. The creditors have used all legal process to compel him to do so, keeping him under hornings so that he cannot go about in the country to transact his business, and he has some important affairs coming before the Lords of Session and other judges. These cautionries cannot legally bind him, yet he is debarred from doing anything even for the relief of these creditors. He therefore craves their Lordships' protection; and this they grant until 1st August

Fol. 168, a.

Decreta, March 1631-April 1632. Fol. 168, a.

next, but only in respect of such hornings as have been executed against him as cautioner for his father's debts, and not against any executed against him for his own debts.

Supplication for protection by David Vaus, sometime of Blance.

Supplication by David Vaus, sometime of Blance, as follows :—Having been imprisoned by some of his creditors in the tolbooth of Edinburgh, he, with their consent, was set at liberty in order to attend certain actions of spulyie at his instance before the Lords of Session against the deceased Mr. George Butler and others, whereby he hoped to be enabled to satisfy his said creditors. Now his prosecutors, finding that he is likely to get the better of them, are threatening him with captions and other legal procedure, which will frustrat the hopes of the supplicant and disappoint his creditors, wherefore he craves their Lordships' protection. This they grant until 2nd April next.

Fol. 168, b.

Sederunts, November 1629-January 1635. Fol. 49, b.

Kirkpatrick of Closeburn.

"The Lords prorogatis the warrand grantit to Closeburne untill the xv day of Aprile nixt."

Acta January 1631-May 1632. Fol. 48, b.

Holyrood House, 10th March 1631.

Sederunt.—Chancellor; Privy Seal; Murrey; Bishop of Dunkeld; Bishop of Dumblane; Melvill; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Scottistarvet.

Commission to the Bishop of Dunkeld and others to arrange anent the publication of a Latin Grammar which is to be exclusively used in schools.

"The Lords of Secreit Counsell ordains the Bishops of Dunkelden and Dumblane, the Clerk of Register, Advocate, and Sir Johne Scot, to meit the morne after the dissolving of the commissioun, and to call before thame M^r^ Alexander Home and M^r^ David Wedderburne and to deale and travell to sattle and agree thame anent the compositioun and satisfactioun to be made be the said M^r^ David to the said M^r^ Alexander for having the sole libertie of printing and selling of the grammar composed be the said M^r^ David and that the same grammar be solelie receaved and taught throughout all the grammar schooles of this kingdome, with a prohibitioun to the maisters of the grammar schooles of all teaching of anie other grammar, without prejudice and with exceptioun alwayes of the grammar made be the said M^r^ Alexander, whome the Lords allowes to teache the same to his owne schollers allanerlie."

Remission for their offences to be granted to Lachlan M'Intosh and others, who assisted the Earl of Moray in apprehending James Grant and certain of his accomplices.

"The whilk day the Lords of Secreit Counsell considdering the good and acceptable service done to his Majestie and the Estait be Lauchlane M^c^Intoshe, William M^c^Lauchlane, Angus sonne, George Dollas and others imployed be the Erle of Murrey in the diligent service and successefull apprehensioun of James Grant and some of his rebellious complices, in retributioun and for a rewarde whairof and the better to encourage others his Majesteis good subjects carefullie to bestirre thameselffes in the lyke imployments heerafter, the saids Lords recommends to his Majesteis Exchecker to pas ane remissioun to the saids persouns of all slaughters, heirshippes, depredatiouns, thift and stouthreaffe committed be thame or anie of thame at anie tyme preceeding the dait of thir presents, and ordains the wrytters to his

Majesteis Signet, privie and great seales, and keepers of the said signet and seales to write, pas and expede the said remissioun *gratis*, and to use all convenient diligence thairin, and to have the same in readinesse to be exhibite to the Counsell upon Tuisday nixt to the effect the Lords may delyver the same in Counsell to the parteis whome it doeth concerne." Acta January 1631-May 1632. Fol. 48, b.

Sums to be paid to the above persons for the same service.

"The Lords ordains his Majesteis Thesaurar and Deputie Thesaurar to prepare and have in readinesse aganis Tuisday nixt twa thowsand merkes to the intent the Counsell may delyver thairof fyve hundreth punds to Lauchlane M^cIntosh, fyve hundreth punds to Williame M^cLauchlane, Angus sonne, and fyve hundreth merkes to George Dollas, as ane tokin of the Counsellis favourable respect towards thame and good acceptance of the service done be thame and thair followers in taking of James Grant, rebell." Fol. 49, a.

Commission to the Clerk Register and others to examine the accomplices of James Grant.

"The Lords nominats and appoints the Clerk of Register, Advocat, Justice Clerk and Justice Depute, or anie three of thame, to examine the complices of James Grant, prisouners within the tolbuith of Edinburgh, upon Saturday nixt; and ordains his Majesteis Advocat to persew thame criminallie upon Mononday thereafter reserving always the tryell of to a more convenient tyme."

Allowance to James Grant, now a prisoner in Edinburgh Castle, and also to his jailer.

"The Lords of Secreit Counsell modifeis and allowes to James Grant, now prisoner in the Castell of Edinburgh, ane merke in the day for his interteanement frome the fyft day of Marche instant upon the quhilk he wes committed to waird within the said castell, and daylie thereafter during his remaining in waird within the said castell, and to his keeper half ane merke daylie, to be payed to thame be his Majesteis Thesaurar and Deputie Thesaurar."

Earl of Haddington and the Law Commission.

"The whilk day Thomas, Erle of Hadintoun, Lord Privie Seale, accepted upon him the commissioun for surveying the lawes and gave his oath."

Charge to various persons to appear before the Council and give their evidence anent John Neill, warlock.

"Forsameekle as the Lords of Secreit Counsell hes appointed the 25 day of Marche instant for the tryell of Johne Neill, warlocke, of the crymes of witchecraft and sorcerie layed to his charge, and whereas it is necessar that the persouns who best knowes the veritie of the particular dittayes givin in aganis him be present to give informatioun and light thereanent to his Majesteis Justice and assise for the better cleering of the saids dittayes, nevertheles they will not compeir in that mater without they be compellit. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging Johne Purdie in Mordingtoun, Helene Wedderlie there, Cuthbert Meyne there, Robert Deans there, Robert Andersone in Mordingtoun mylne, to compeir personallie; as alsua charging Sir James Douglas, knight, as maister and landslord to the saids persouns to bring, present and exhibite thame before his Majesteis Justice and his deputs within the tolbuith of Edinburgh upon the said 25 day of Marche instant; as alsua charging George

Acta January 1631-May 1632. Fol. 49, a.

Fol. 49, b.

Nisbitt in Paxtoun, Thomas Nisbitt there, Adame Yviot there, Johne Wilsone there, Elspett Cooke there, Alexander Broun there, Johne Watsone there, Elspitt Achesone, his spous, David Gilkisone there, Williame Gilkisone, his sonne, and Margaret Gilkisone his daughter, Marion Dagleish there, and James Coresbie in Haymouth, to compeir personallie; as alsua charging Sir David Home of Wedderburne as maister and landslord to the saids persouns to bring and exhibite thame before his Majesteis said Justice the said 25 day of Marche instant; as alsua charging George Roull in Foulden, Thomas and Alexander Cranstons there, to compeir personallie; as alsua charging Johne Wilkie of Foulden as maister and landslord to thame to bring, present and exhibite thame before his Majesteis said Justice and his deputs in the tolbuith of Edinburgh the said 25 day of Marche instant; as alsua charging Johne Mack in Mordingmill, Robert Purves, his servant, Patrik Miller at Bellie mylne and James Ridpeth, servitour to the Erle of Angus, to compeir personallie; as alsua charging Williame, Erle of Angus, as maister and landslord to thame, to bring, present and exhibite them before his Majesteis said Justice and his deputs the said 25 day of Marche; as alsua charging George Achesone in Chirneside, Niniane Chirneside in Nynewall mylne, David Clerk in the West mylne of Chirneside, Margaret Tiviotdaill, his spous, Edward Shirra in Killobastill and James Home of Chirneside Maynes to compeir personallie; as alsua charging James, Erle of Home, thair maister and landslord, to bring and exhibite thame before his Majesteis said Justice in the tolbuith of Edinburgh upon the said 25 day of Marche instant; as alsua charging Marion Burne in Hiltoun, Henrie Strang, hir sonne, Beatrix Strang, her daughter, and Archbald Strang in Hiltoun, to compeir personallie; as alsua M^r^ Alexander Swintoun of Hiltoun as maister and landslord to thame, to bring, present and exhibite thame before his Majesteis said Justice in the tolbuith of Edinburgh upon the said 25 day of Marche instant; as alsua charging M^r^ George Roull, minister at Mordingtoun, M^r^ Allane Lundie, minister at Huttoun, M^r^ Thomas Ramsay, minister at Foulden, Johne Gaits, minister at Bonkill, M^r^ Alexander Smith, minister at Chirneside, M^r^ David Home, minister at the Ladie kirk, M^r^ Johne Home, minister at Eymouth, M^r^ Alexander Kinneir, minister at Quhitsome, M^r^ Mathow Carraill, minister at Edrem, James Home in Samuelstoun mylne, Johne Ridpeth sometyme of that Ilke, now dwelling in Uplaheuche, to compeir personallie before his Majesteis said Justice and his deputs in the tolbuith of Edinburgh the said 25 day of Marche instant, to declare the truth in so farre as they know or sall be speirit at thame concerning the said Johne Neill his dittay and his practises in witchecraft and sorcerie, under the pane of rebellioun, etc., with certificatioun, etc."

Charge to certain persons to appear before the Council and give evidence in the case of Alison Nisbet, who is accused of witchcraft.

Acta January 1631-May 1632. Fol. 49, b.

"Forsameekle as Alesoun Nisbitt hes beene this long tyme deteanned in waird within the tolbuith of Edinburgh as suspected and delated of the detestable cryme of sorcerie and witchecraft, and whereas it is a point of injustice to deteane her still in waird without a lawfull tryell, thairfoir the Lords of Secreit Counsell hes thought good that she sall be putt to her tryell with convenient diligence. And for this effect necessar Fol. 50, b. it is that the persouns underwrittin, who ar thought to be best acquainted with the said Alesone her practises, be exhibite before the saids Lords to declare the truthe in so farre as they know or sall be speirit at thame concerning that mater, quhilks persouns will not compeir and depone thairin without they be compellit; thairfoir ordains letters to be direct charging Johne Home in Litanvolt, Johne Polwart, and his spous, there, and Elspitt Home in Litan to compeir personallie; as alsua charging James, Erle of Home, as maister and landslord to thame, to bring, present and exhibite thame before the Lords of Privie Counsell upon the twentie fourt of Marche instant; as alsua charging Issobell Nisbitt, wedow in Hiltoun, Archibald Prestoun there, Archibald Strang and Elspitt Taitt, his spous there, to compeir personallie; as alsua charging M^r^ Alexander Swintoun of Hiltoun, as maister and landslord to thame, to bring, present and exhibite thame before the Lords of Privie Counsell upon the said 24 day of Marche instant; as alsua charging Alexander Leuggat in Harras, Bessie Monylawes there and Williame Clerk there to compeir personallie; as alsua charging John Swintoun of that Ilke as maister and landslord to thame, to bring, present and exhibite thame before the saids Lords the day foresaid; as alsua charging spous to Johne Patersone, cooke to the Laird of Blacader and Robert Swyne there, to compeir personallie; as alsua Sir Johne Home of Blacader, as maister and landslord to thame, to bring, present and exhibite thame before the saids Lords the said 24 day of Marche instant, to declare the truthe in so farre as they know or sall be speirit at thame concerning the said Alesone her practises in witchecraft under the pane of rebellioun, etc., with certificatioun, etc."

Holyrood House, 10th March 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 168, b.

John Maxwell of Logan.

John Maxwell of Logane, compearing personally in name of the Commissioners of the Middle Shires, gave in a copy of citation of the said Commissioners at the instance of John Grahame of Langboddome, Patrick, Francis and David Grahame, his brothers, and Bessie Johnestoun, their mother, to hear and see a prosecution against them advocated from the said Commissioners to the Justice and his deputes, and because the Fol. 169, a. said persons failed to compear, he protested for expenses and that nothing be done in the matter without a new citation; and this the Lords admitted.

Decreta, March 1631-April 1632. Fol. 169, a.

Supplication by Thomas Gordoun of Dilspro as follows:—He has an action of reduction pending before the Lords of Session against Andrew Gray in Peterhead who has apprised his lands as one of the cautioners of the deceased Adam Gordoun of Boghoill for 2000 merks which were due to Robert Irwing, lawful son of Mr. Richard Irwing of Hiltoun, assigned by him to Thomas Thoiris, who transferred the debt to the said Andrew Gray and the deceased James Walker. They, by the conditions of the assignation to them were bound to "discuss" the said Adam Gordoun before distressing the supplicant; but although Adam Gordoun lived six years after the debt came into their hands they never interfered with him. The supplicant's case is about to be heard, but Gray has taken out letters of horning against him and a warrant that he shall obtain no suspension without consignation, ignoring the obligation in his titles of first discussing Adam Gordoun. The supplicant has obtained a *locus standi* in the case from the said Lords, but is prevented from seeing and advising with his advocates and acting as a free person in this matter by reason of the foresaid horning, and therefore craves their Lordships' protection. This they grant till 1st April next.

Supplication by Thomas Gordon of Dilspro for protection.

Fol. 169, b.

Supplication by Sir James Lokhart of Lee and William Allane, writer in Edinburgh, creditors of John Kennedie, sometime of Blairquhan, as follows:—Kennedie is very willing to satisfy their claims so far as in him lies, but is prevented by certain differences between him and Josias Stewart, who had the intromitting with his estate and living for a long time. For the adjustment of these it is necessary that Kennedie be secured against certain hornings under which he lies, as Josias Stewart has been, and they therefore crave their Lordships' protection in his favour. This is granted until 1st April next.

Supplication by Sir James Lockhart of Lee and William Allan, writer in Edinburgh, for protection to John Kennedy, sometime of Blairquhan.

Sederunts, November 1629-January 1635. Fol. 50, b.

"Anent the articlis gevin in be the Earle of Nithisdaill toucheing the fugitives of the Bordours and for suppressing of thift, ordains the Earle of Nithisdaill to acquent the Counsell when and whair his lordship thinkis meit the Commissionaris sall conveene for setting doun of the roll of the fugitives; and ordanis the commissioun grantit for restraining the passage of theevis to and from Irland to be seene and considderit. Remittis to the Commissionaris to pronunce suche doome aganis the tua personis contenit in the articlis as they think meete."

Holyrood House, 10th March 1631. The Earl of Nithsdale and the fugitives from justice on the Borders.

"Ordanis Robert Ellott be tryed at Jedburgh."

Robert Elliot.

[In the entry here of the remission to the Clan Chattan for taking James Grant, it is added "the saidis personis alwayes making redres for the goodis takin be thame and gevand assythement for the slaughteris committit"; but the sentence is crossed through as if deleted.]

Acta January 1631-May 1632. Fol. 50, a.

Sederunt—Chancellor; Privy Seal; Murrey; Galloway; Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Melvill; Tracquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie.

Holyrood House, 15th March 1631.

Caution required of the Earl of Perth and George Buchanan of Leny for themselves and their dependants that they will keep the peace.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is some troubles and inconveniences latelie fallin out betuix Johne, Erle of Perth, heretable foster of his Majesteis forrest of Glenerknay, and Johne Drummond of Drummanerinoch, his depute keeper of the said forrest, on the ane part, and George Buchannan of Leny and some of his brethrein and freinds on the other part, quhilks ar lyke to produce great inconveniences, to the breake of his Majesteis peace without remeid be provydit, thairfoir ordains letters to be direct charging the said Erle of Perth and Johne Drummond of Drummanerinoch, on the ane part, and the said George Buchannan of Leny, on the other part, to find caution and souertie actit in the bookes of Secreit Counsell that they for thameselffes, and takand the burdein upon thame for all suche persouns as they ar obleist to ansuer for be the lawes of this kingdome and Acts of Parliament, sall observe our soverane lords peace and keepe good rule and quyetnes everie ane of thame with other, and that they nor nane of thame, nor nane of thair causing, sending, hounding out, command, ressett, assistance nor ratihabitioun, whom they may stoppe or latt, sall invade, molest, harme, trouble nor persew one another for whatsomever deid, caus or occasioun, otherwayes nor be order of law and justice, under the panes following—viz., the said Erle of Perth under the pane of fyve thowsand punds and ather of the other twa persouns abonewrittin under the pane of fyve thowsand merkes, and that they find the said cautioun and souertie actit in maner foresaid within sax dayes after the charge under the pane of rebellion, etc., and if they failyie to denunce and to escheit, etc." Acts January 1631-May 1632. Fol. 50, a. Fol. 50, b.

Act granting to Mr. David Wedderburn, master of the Grammar School of Aberdeen, the sole right for twenty-one years of printing his Latin Grammar.

"Forsameekle as Mr David Wedderburne, maister of the Grammar Schoole at Aberdein, hes latelie with the commoun advice of his brethrein, teachers of the grammar schooles within this kingdome, framed and drawin up ane grammar as ane abridgement for facilitating of Despauters Grammar for the weale of the youth and gayning of much tyme in the progresse of thair studeis and learning of good authors in the Latin tongue; and this his worke hes the approbatioun and allowance not onelie of the whole maisters of best marke bot alsua of all the Colledges and Universiteis in this kingdome; and whereas his panes and travellis in so necessarie and good ane worke for the weale of the publict sould be in some measure acknowledged, quhairthrow he, and others in imitatioun of him may be encouraged to follow the lyke worthie and commendable interpryses heerafter: thairfoir the Lords of Secreit Counsell hes thought it verie just and equitable that the said Mr David sall have the sole and onelie libertie and priviledge of printing of the said booke for some certane yeeres to be taught allanerlie be suche who pleases to embrace the same voluntarilie without excluding of others to teache other grammars at thair pleasure. And for this effect the saids Lords hes givin and grantit and be the tennour heerof gives and grants to the said Mr David Wedderburne, his airis and assigneyes for the space

Acta January 1632-May 1632. Fol. 50, b.

of twentie ane yeeres nixt after the dait heirof, the sole and onelie libertie and priviledge of printing of the said grammar; discharging heirby all his Majesteis lieges and subjects whatsomever of printing of the said grammar ather within or without this kingdome bot suche as sall be warranted and allowed be the said M^r David; discharging alsua all his Majesteis saids subjects of selling anie of these bookes quhilks sall be printed without this kingdome and imported within the same to be sauld, bot that they suffer and permitt him and his foresaids peaceablie to bruike and injoy this libertie and priviledge as the fruict of his panes and labours as they and everie ane of thame will answer upon the contrair at thair highest charge and under the pane to be persewed and punished in thair persouns and goods as contemners and misregarders of his Majesteis royall directiouns at the arbitrement of his Majesteis Counsell: and ordains letters of publicatioun to be direct heerupon to the intent nane pretend ignorance of the same."

Fol. 51, a.

"The Lords appoints Fryday nixt for tryell of James Grant his complices." James Grant's accomplices.

"The Lords ordains the Justice to continew the pronuncing of doome aganis James Scot till Thursday nixt." James Scott.

Decreta, March 1631-April 1632. Fol. 170, a.

[Sederunt as recorded above.]

Holyrood House, 15th March 1631.

Fol. 170, b.

Complaint by John, Lord Areskine, as formerly [*ante* p. 162] against the following refractory tanners, viz.—Thomas, John, and Bernard Ranye, Thomas Strauchane, John Ogilvie, Alexander Mylne, Robert Haillis (Hillis), James and Bernard Grant, John Strauchane, Ninian Dewart, William Colling, William Alexander, Andrew Buchart, Alexander Heriot, John Grant, James Mader, and David Wod, all indwellers in Arbrothe, and John Quhyte in St. Androis. The pursuer compearing personally but none of the defenders, the Lords ordain them to be put to the horn and escheat.

Complaint by John, Lord Erskine, against certain tanners.

Fol. 171, a.

Complaint by Elizabeth Inglis, wife of Abraham Stewart and widow of Robert Hamiltoun of Brigs, as follows:—On 25th February, 1630, she obtained from their Lordships a decree of separation from her husband, Abraham Stewart, for a year, and for her subsistence and that of her three children by her first husband and of one child by Abraham Stewart, they modified to her the sum of 450 merks which had been provided to her by her first husband from the lands of Brigs. Their Lordships also on 2nd April last by their decree ordained James Hamiltoun, now of Brigs, to pay the said aliment to her. The said Abraham still continues in his wicked disposition towards her, and for a long time on her account has lain in wait for her brother's life, and has sold (as she has been informed) her liferent abovementioned to her prejudice and that of her children. She craves therefore that their Lordships would continue her aliment for the following year, and from

Complaint by Elizabeth Inglis against her husband, Abraham Stewart, from whom she is separated, that she cannot obtain payment of the aliment which the Council had ordained.

year to year thereafter during their separation. The pursuer compearing personally and also the said Abraham Stewart and James Hamiltoun of Brigs as defenders, and being heard, the Lords continue the aliment as craved and ordain the said James Hamiltoun to pay the same to her at the usual terms. Decreta, March 1631-April 1632. Fol. 171, b.

Supplication by George Lauder of Bass and Lady Bass for protection that they may satisfy their creditors.

Supplication by George Lawder of Basse and Isobel Hepburne, Ladie Bas, his mother, as follows:—"It is notourlie knowne what heavie trouble, miserie and distresse they have susteanned and still underly these diverse yeeres bygane, thair rents and living being possest and intrometted with be others, and thameselffes reduced to that pitifull estait and conditioun that they have endured all the misereis whairwith disgrace and want could possiblie affect thame." They are now resolved to take steps to repair their ruined estate and satisfy all their creditors, and for this end will require to consult advocates, but cannot do so as they are presently at the horn. They therefore crave their Lordships' protection; which is granted till 15th June next, providing they trouble not the tenants in the meantime, otherwise this warrant is to be null. Fol. 172, a.

Supplication by Thomas Kirkpatrick of Closeburn for protection that he may satisfy his chief creditor, Bryce Semple.

Supplication by Thomas Kirkpatrik of Closburne, as follows:—His Majesty having heen informed of the heavy burden of debt which lay upon his house, whereby it was threatened with utter ruin, was pleased by letter to recommend the taking of some timely course for settling the differences between the supplicant and Bryce Sempill, his principal creditor. Their Lordships had accordingly summoned Sempill before them, and, after hearing parties, remitted to several of their number to take means for settling matters between them, which they have now worthily and honourably done. It only remains that he should make payment of the sum agreed upon to Sempill, for the obtaining of which he must either sell or wadset part of his estate, and as this will require some time he craves their Lordships' protection against certain hornings. The Lords grant him till 1st July next.

Complaint by George Baird of Auchmedden and George Gregor, his servant, against John Cheyne in Essilmont, who has evaded the ward to which the Council had ordained him.

Complaint by George Baird of Auchmedden, and George Gregour, his servant, as follows:—They had cited John Cheyne in Essilmont before their Lordships for "ane insolence" committed by him against them, which being found proven, he was ordained to enter to ward in the tolbooth of Edinburgh. The complainers caused execute the charge, which he disobeyed and "past to the horne." They understand that upon a representation made by him to the Lords that he was not lawfully charged, as he was in Zetland at the time, he has obtained suspension of his horning till 9th June next; which representation is false, as the charge was executed against him personally, and his sole intention is to give the complainers fresh trouble. Seeing he is presently in this burgh it is expedient the suspension be discussed now. The pursuers compearing by Patrick Rankene, servitor to one James Baird, their procurator, and the defender, John Cheyne, also compearing, there was produced the decree by their Lordships finding that the said John Fol. 172, b. Fol. 173, a.

Decreta, March 1631-April 1632. Fol. 173, a.

Cheyne with a drawn sword wounded the said George Gregour on the cheek in the belief that he was attacking George Baird, his master, on whom he had threatened to be revenged, and ordaining him therefore to be warded within the tolbooth of Edinburgh; and the Lords, after hearing parties, commit the defender to ward in the tolbooth of Edinburgh until he pay the expenses of the witnesses produced in the first complaint, and find caution acted in the books of Secret Council for the indemnity of the said George Baird and his men, servants, etc., in £1000.

Sederunts, November 1629-January 1635. Fol. 51, a.

"That missives be direct to the Lairdis of Lawers, Mushett, Inchebraky and Auchtertyre, for visitinge of the haile persouns on ather syde, and for doing of thair best indevoris to satle thame in peace" (*i.e.* the Earl of Perth and the Laird of Leny). Holyrood House, 15th March 1631. Anent the Earl of Perth and the Laird of Leny.

"The Lordis continewis Captane Rollok, Byth and Gammie to Twisday nixt, and ordanis thame to attend that day." See *ante*, p. 168. Captain Rollock.

Royal Letters, 1623-33. Fol. 195, a.

"After our verie heartilie commendatiouns. Yow have heard of the troubles and unhappie accident latelie fallin out betuix Johne Drummound of Drummanernoch and his brethrein and servants, on the ane part, and the Laird of Leny and his brethrein and servants, on the other part, quhilks ar lyke to disturbe his Majesteis peace and to draw on great inconvenients in the countrie if some good course be not tane for preventing the same; and knowing your good affectioun and dispositioun to the peace and quyetnes of the countrie and that yow may doe some good offices for preventing the forder grouth of thir troubles and sattling of the parteis in some good termes of freindship, we will thairfoir requeist yow to make your addresse to the place of Drimmon quhair the hurt persouns of either side now remaines and that yow try and informe your selffe sufficientlie in what estait and conditioun the saids persouns ar and what appearance there is of lyfe or death; and that yow use your best endeavoures with both parteis to moderat thair present greeffes and displeasure and to give eare to some termes of reconciliation; and that yow report your proceedings heerin to us betuix and the last of this instant. We have writtin to the Lairds of Lawers, Muschet and Auchtertyre to concurre and joyne with yow in this earand who we ar assured will not be deficient in anie thing that convenientlie they may doe; and remitting this to your care and diligence as ane point of service quhilk will be verie acceptable to his Majestie and us, we committ yow to God. Frome Halyrudhous the 16 day of Marche, 1631. *Subscribitur*, Geo: Cancell., Hadinton, Morrey, Lauderdaill, Dunkelden, Arch: Achesone, S^r^ Thomas Hope." Holyrood House, 16th March 1631. Letter to the Laird of Inchbrakie anent the dispute between the Earl of Perth and the Laird of Leny.

Fol 195, b.

Acta January 1631-May 1632. Fol. 51, a.

Sederunt—Chancellor; Privy Seal; Murrey; Linlithgow; Lauderdaill; Dumblane; Dunkeld; Lord Areskine; Lord Melvill; Lord Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk. Holyrood House, 17th March 1631.

"The whilk day the missive letter underwrittin, signed be the Kings

Letter from his Majesty anent the Lyon King's immunity from taxation.

Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes :—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greete yow weill. We ar informed frome our beloved Sir James Balfoure, knight, our Lyoun King at Armes, that he by our letters patents of that service under our great seale is exempted frome payment of anie taxatiouns and that for manie ages his predecessours in that service have injoyed that and suche lyke priviledges frome our royall progenitours. We thairfoir out of our princelie consideratioun and regarde to the preservatioun of the ancient esteem of that office have thought fitt to will and require yow to take notice and tryell of the said graunt and presidents of former ages, and according unto thame expede unto the said Sir James ane immunitie and exemption frome payment of anie taxt, stent or impositioun grantit unto us in that our kingdome. Quhairin not doubting of your conformitie to this our pleasure, we bid yow farewell. Givin at our Court at Whitehall the 22 day of Februarie 1630, *stylo Anglicano*.[1] Quhilk missive being heard and consideritt be the saids Lords and they advised thairwith, the Lords of Secreit Counsell ordains the Lord Melvill and Clerk of Register to sight and consider the grants and warrands whairby he clames the said immunitie and to report upon Tuisday nixt." Acta January 1631-May 1632. Fol. 51, a.

Mr. Alexander Home and Mr. David Wedderburn.

"The Lords continewes the commissioun given to the Bishop of Dumblane and Advocat to travell betuix M^r^ Alexander Home and M^r^ David Wedderburne for agreing of thame anent the satisfactioun to be given be the said M^r^ David to M^r^ Alexander Home for having the sole printing and selling of the grammar composed be the said M^r^ David." Fol. 51, b.

A sum of 2000 marks given to Lachlan M'Intosh and others for their services in the apprehension of James Grant —their past crimes are also remitted.

"The whilk day Sir Henry Wardlaw of Pittrevie, knight, ane of the receavers of his Majesteis rents, by warrand and directioun frome Johne, Lord Steuart of Tracquair, Deputie Thesaurar of this kingdome, exhibite before the Lords of Privie Counsell the soume of twa thowsand merkes, usuall money of this kingdome, for obedience and satisfactioun of the act whairby the said Deputie Thesaurar wes ordained to have the said soume in readinesse againe this day and to exhibite it in Counsell to the intent and for the causes specifeit in the said act. Quhilk soume of twa thowsand merkes George, Vicount of Dupline, Lord High Chanceller of this kingdome, delyvered in presence of the Counsell to the persons following, to witt, to Lauchlane M^c^Intoshe, fyve hundreth punds; to Williame M^c^Lauchlane, fyve hundreth punds; and to George Dollas, fyve hundreth merkes; as ane marke and tokin of the Counsells respect toward thame for the notable service done be thame aganis the

[1] 1631 after the Scottish style. The change of the beginning of the year from 25th March to 1st January did not take place in England till 1753. It took place in Scotland in 1600.

Acta January 1631-May 1632. Fol. 51, b.

rebell James Grant. Lykeas alsua the said Lord Chanceller delyvered to the said Lauchlane for himselfe and in name and to the behove of the others persons who assisted him in the said service ane remissioun under his Majesteis great seale for all crymes committed be thame preceeding the date heirof, and that in remembrance of thair notable service foresaid. Quhilk remissioun and soumes of money foresaid the persons abonewrittin reverentlie receaved frome the said Lord Chanceller upon thair knees."

Decreta, March 1631-April 1632. Fol. 173, b.

[Sederunt as recorded above.]

Holyrood House, 17th March 1631.

Complaint by Douglas, widow of Robert Johnstone of Raecleuch, against William, Earl of Angus, for illegal warding of two of her tenants.

Complaint by . . . . Dowglas, widow of Robert Johnstoun of Recleuche, and Thomas and John Johnstoun, her tenants, as follows:— About four weeks ago William, Earl of Angus, apprehended the said tenants and imprisoned them in the Castle of Dowglas, where they still lie in great misery. He professes to have arrested them by virtue of a commission from their Lordships over such of his own removeable tenants within his baronies of Dowglas, Crawfurd and Wandell, as are suspected of theft, but the said Dowglas has no dependence upon the said Earl. They have also offered caution to appear before his Majesty's Justice and answer to any crimes to be laid to thair charge, but the said Earl will listen to no offers. The pursuers compearing by Mungo Johnstoun, their brother, and the Earl of Angus being also personally present, the

Fol. 174, a.

latter declared that he apprehended the two Johnstouns foresaid with the fang of a stolen horse, and that being tenants of one of his own vassals he has fixed a court for their trial about 15th April next. Mungo Johnstoun replied that he offers to prove by the testimony of witnesses that the said horse was not a stolen horse, and that no one has ever challenged the horse as suche; and, moreover, the pursuers are willing to find caution to answer to any charge upon lawful citation. The Lords, after hearing parties, allow of the taking of the pursuers as prisoners by the Earl of Angus and free him of all danger on that account, but ordain him to put them to liberty, they first finding caution, Thomas Johnstoun in 1000 merks and John Johnstoun in £500 that they will appear before the Commissioners of the Middle Shires in a Justice Court to be held by them at Lanark on 15th April next and answer upon a charge of theft and reset of theft, and that they will not molest Mungo Wilsoun in .

Complaint by the Moderator and Presbytery of Lanark against the Earl of Angus, whom they accuse of having a Papist as his chamberlain, as also a female domestic of the same religion.

Complaint by the Moderator and brethren of the Presbytery of Lanark as follows: On 16th July, 1629, Patrick Dicksoun, servitour to William, Earl of Angus, was put to the horn for failing to produce before their Lordships a testimonial from the presbytery of his relaxation from the sentence of excommunication for his obstinate profession of Popery. He

Fol. 174, b.

pays no attention to the said horning, and being chamberlain to the said Earl, and having the greatest trust and credit of any about him, he corrupts the simple people in the country whenever he goes among them

for uplifting of his master's rents. Charge having been given to the said Earl to produce his said servant, and Mr. Thomas Campbell, minister at Biggar, appearing for the Presbytery, and the said Earl also compearing, the Earl declared that the said Patrick Dicksoun has had some intromission with his estate but had not yet settled his accounts, and promised that as soon as this had been done, which would be shortly after Whitsunday he would exhibit him. The Lords accordingly took the said Earl bound under the penalty of 5000 merks to exhibite the said Patrick Dicksoun before them within fifteen days after Whitsunday next so that Dicksoun may give bond for his removal from the country. And because the said Mr. Thomas Campbell further complained that the said Earl kept in his house a servant, called Janet Broun, who was under process for papistry, the said Earl promised to remove her from his service before Whitsunday next under the penalty contained in the general caution formerly found by him to that effect. Decreta, March 1631-April 1632. Fol. 174, b.

Complaint by Mr. Archibald Cameron, minister at Inchecallioch, against George Buchanan, apparent of that Ilk, and Walter Buchanan of Drumikill, whom he accuses of refusing to pay their share of his stipend.

Complaint by Mr. Archibald Camroun, minister at Inchecallioch, against George Buchannan, apparent of that Ilk, and Walter Buchannan of Drumnakill as follows:—They are due to him 2550 merks as part of his stipend for the years 1627, 1628 and 1629, and for non-payment were put to the horn. On 24th February last the said George Buchanan, in presence of their Lordships, bound himself that before this 17th of March he would find Sir John Buchannan of that Ilk, William Livingstoun of Kilsyth and Walter M^{c}Awlay of Ardincaple, cautioners for payment of this sum, interest thereof and expenses, under the penalty of £100 in addition, and this he had not done. Parties compearing, the said George Buchannan declared that he had on 12th March made a real offer to the pursuer of the principal sum of 2550 merks, and 255 merks as a year's interest thereof from Whitsunday last to Whitsunday next, and with regard to the penalty and expenses, he offered to subscribe a submission to Alexander, Earl of Linlithgow, and Adam, Bishop of Dumblane; but the pursuer refused to accept payment without the penalty, and would not agree to the proposed submission, as an instrument under the hand of David Watsoun, notary, produced to their Lordships, bears. The Lords after hearing parties ordain the said George Buchannan to have the said principal sum and a year's interest thereof in readiness and to pay the same to the pursuer within the burgh of Dumbartane before Tuesday week at night under a penalty of £300; and as touching the penalty and expenses they ordain the same to be submitted to the arbitration of the said Earl of Linlithgow and Bishop of Dumblane, taking the parties bound to abide by their decision. Fol. 175, a. Fol. 175, b.

Complaint by James Aitken, bailie-depute of Torrieburn, against Andrew Callander in Torrieburn,

Complaint by James Aitkine, bailie depute of that part of the regality of St. Andrews called Torrie and Torrieburne, and John, Lord Lindsey, bailie principal for his interest, as follows:—"Androw Callendar in Torriburne upon the day of Februarie instant come about ten houres at night to the dwelling hous of Patrik Buchannan in

Decreta, March 1631-April 1632. Fol. 175, b.

Torriburne, tooke the honest man's wife be the haire of the heid, tooke her barnes and tramped thame under his feit, shamefullie and cruellie drew the honest man be the beard and hurt and woundit thame in diverse parts of thair bodeis. For the quhilk insolence the partie having conveened him before the said baillie depute upon the fourt day of Februarie last and having summoned certane witnesses for proving his complaint the said Androw went to the witnesses, threatned to cutt the lugges out of thair heid if they compeired; and the court being fenced and the said baillie sitting in judgement to have done justice in this mater, how soone this cryme wes objected to, the said Androw he denyed the same, calling the partie ane lear. Quhairupon the said baillie sent for the witnesses to depone heerin, for quhilks onelie caus the said Androw in opin face of court fell out in ane contumelious rayling aganis the baillie, saying he cared not for him nor no bailie in Torriburne, nor for the Lord Lindsey himselfe; that he wes als honest ane man as the bailie himselfe, and that they wer all but oppressors; so as the bailie wes forced to raise the court." The said James Aitkine compearing for himself and in name of the Lord Lindsey, and the defender not compearing, the Lords, after hearing witnesses, find that the said Andrew Callender threatened the witnesses so that they dared not appear, "and that he said to the baillie that he wes als honest ane man as the baillie himselfe, and that the baillie having said, There wes over manie James Grants in the countrie the said Androw answered that James Grant wes als honest a man as the baillie or the minister," and for this "verie great insolence" they ordain him to ward himself in the tolbooth of Edinburgh within six days after being charged thereto and remain there on his own expenses until order be taken with him, under pane of horning.

whom he accuses of contempt of court.

Fol. 176, a.

Sederunts, November 1629-January 1635. Fol. 51, a.

"The quhilk day a commissioun wes past to James Dunbar for taking and exhibitioun of Johnne Forsyithe."

Holyrood House, 17th March 1631. John Forsyth.

Fol. 51, b.

"Ordanis the commissioun grantit to the Viscount of Airdis for restreaning the passage of suspect personis and stollin goodis to and fra Irland to be renewed and publeist; and a missive to the Vicount of Airdis to come and attend the charge committit to him and to see the same put in executioun."

Viscount of Airds and Ireland.

Acta January 1631-May 1632. Fol 51, b.

Sederunt.—Chancellor; St. Andrewes; Privy Seal; Mar; Murrey; Wintoun; Galloway: Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Tracquair; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir Johne Scot; Sir James Baillie.

Holyrood House, 22nd March 1631.

"The Lords of Secreit Counsell ordains Margaret Wod to be keeped in the commoun woman hous, and the Lord Gordoun, Lord Hay and Laird

Margaret Wood.

of Fendraucht to be warned to Thurisday to heare and see it foundin and declared upon whois charges the said Margaret sould be interteannyed for byganes and in tyme comming." Acta January 1631-May 1632. Fol. 51, b.

Charge to Mr. David Wedderburn anent his giving satisfaction to Mr. Alexander Home, whose Latin Grammer had been superseded by that of the said David. See *ante*, p. 172.

"Forsameekle as the Lords of Secreit Counsell having past ane warrand to M^r^ David Wedderburne, schoolemaister at Aberdein, for printing and publishing ane grammar composed be him for the use of suche as sould be pleased to embrace the same, and the saids Lords having appointed certane of thair nomber to have travelled and dealt with the said M^r^ David anent some satisfactioun to have beene givin be him to M^r^ Alexander Home, schoolemaister at Dumbar, who formerlie to his great paines and charges had composed ane grammar, whilk wes allowed and ordained to have beene onelie teached within this kingdome, the said M^r^ David Wedderburne in this meane tyme, how soone he receaved his warrand for printing and publishing his grammar, departed home, quhairby the said M^r^ Alexander wes frustrat and disappointed of his satisfactioun. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said M^r^ Alexander Home for his interesse to compear personallie and the said M^r^ David Wedderburne to compeir, bring and produce before the saids Lords upon the 14 of Junij nixt the warrand grantit to him for printing and publishing his grammar and to heare and see him decerned and ordained to give to the said M^r^ Alexander Home suche satisfactioun as the saids Lords sall thinke expedient, under the pane of rebellioun, etc. with certificatioun, etc., and in the meane tyme to discharge him frome printing or publishing of the said grammar as he will answer upon the contrarie at his perrell." Fol. 52, a.

Holyrood House, 22nd March 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 176, a.

Complaint by Mr. Martin M'Ilvorie, minister at Killean and Killenachane, against Murdoch M'Lean of Lochbuy, Papist, whom he accuses of preventing his parishioners from attending church, and of offering violence to himself.

Complaint by Mr. Martin M^c^Ilvorie, minister at the kirks of Killean and Killenachane, as follows:—He has been lawfully provided to and for several years has actually served at the said kirks, but because of the hostility of Murdoch M^c^Claine of Lochbuy to the established religion and ministry, his labours are likely to prove ineffectual. The said Murdoch is master and landlord of most of his parishioners, and not only withdraws himself and them from hearing of the Word but threatens the complainer if he comes to the said kirks to perform divine service there. On last, being Sunday, the said Murdoch and some accomplices, all armed with swords and other weapons, came to the said kirk of , where the complainer was about to have preached, and without respect either to the sacredness of the day or the complainer's calling, laid violent hands upon him, "thrust him to the doores, locked the same, and vowed if he found him there againe he sould doe a worse turne to him." He afterwards went to the complainer's lands of Cairsack, broke up the doors of his houses, and finding there a brown horse belonging to the complainer, "he tooke the same and gifted it to ane clairshacher [trumpeter], Fol. 176, b.

Decreta, March 1631-April 1632. Fol. 176, b.

saying in derisioun that he sould gar the clairshacher ryde als long on him as the minister had done." If this godless and lawless behaviour be not punished, none will dare exercise the calling of the ministry within the bounds of the Isles. The pursuer compearing by James Logie, his procurator, but the defender not compearing, the Lords ordain officers of arms to pass and denounce him as a rebel and escheat.

Fol. 177, a.

The Lords having heard and considered the great expense incurred by Mr. Archibald Camroun, minister at Inchecallioch, in pursuing George Buchannan, apparent of that Ilk, for arrears of stipend, and that he has attended here for several days past in reference to the settlement of the question of expenses, and being loath to detain him longer from his charge, modifies the expenses to be paid to him at 200 merks, which they ordain the said George Buchannan to pay to him on the 29th instant, being the day appointed for payment of the principal sum and interest due. If he fail herein then he sall pay 300 merks of expenses precisely at the term of Whitsunday next.

Allowance to Mr. Archibald Cameron, minister at Inchecallioch, for his expenses, while in Edinburgh suing for payment of his stipend. See *ante*, p. 153.

Sederunta, November 1629-January 1635. Fol. 52, a.

"Ane missive frome his Majestie in favours of the Laird of Rosline for expeiding of a gift unto him makand and constituand him judge and overseair of the trade of maissonis hammermen. The Lordis ordains Rosline to produce the patentis maid to him of the said office."

Holyrood House, 22nd March 1631. The Laird of Roslin appointed overseer of the trade of masons and hammermen.

"Ane missive to his Majestie recommending James Aitchesoun to be satisfyed be his Majesty for the soumes addebtit to him be the lait Earle of Orknay."

James Aitcheson and the late Earl of Orkney.

"The Lordis haveing hard and considderit the chargeis and expenses quhairunto Mr. Archibald Camroun hes bene drevin in persewing the Laird of Buquhannan for his bigane stipend modifyis his expenses to tua hundreth merkis whilk thay ordane Buquhannane to pay with the principall soume at the tyme appointed, and failyeeing thairof, three hundreth merkis at Witsonday."

Allowance to Mr. Archibald Cameron.

Acta January 1631-May 1632. Fol. 52, a.

Sederunt—Chancellor; S[t] Andrewes; Privy Seal; Mar; Murrey; Wintoun; Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine; Lord Carnegie; Lord Melvill; Lord Jedburgh; Lord Tracquair; Master of Elphinston; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Holyrood House, 23rd March 1631.

"The whilk day George, Vicount of Dupline, Lord High Chancellor of this kingdome, produced and exhibite before the Counsell ane warrand under his Majesteis hand ordaining that there sall be onelie one continuall Sessioun through the whole yeere, and that this present yeere and yeerelie in tyme comming the Sessioun sall sitt and continew whill the last of Apryll inclusive, and the vacance to begin the first of May and to continew till the fyftene of October nixt exclusive; the whilk fyftene day of October nixt the Sessioun sall begin this yeere 1631 and sitt and

Warrant from his Majesty ordaining the Court of Session to sit from the 15th of October to the 30th of April. The magistrates of Edinburgh desire to be heard before

his arrangement is settled.

continew thereafter during the whole space abonespecefeit but interruptioun exceptand onelie Christmasse day and twelffe dayes thereafter. Quhereanent the burgh of Edinburgh being callit and thair reasouns being craved tuicheing the prejudice that they may susteane by change of the termes of the Sessioun, the provest, bailleis and counsell compeirand, they humbelie desyred, in respect of the importance of the bussines so neerelie concerning thame in particular and the haill lieges in generall, that they might be permitted to give in thair ansuers and exceptions to the saids Lords the morne in the afternoone; quhilk the Lords allowes and assignes thame that tyme to the effect foresaid." Acta January 1631-May 1632. Fol. 52, a.

Holyrood House, 24th March 1631.

Sederunt—Chancellor; S^t^ Andrewes; Privy Seal; Mar; Murrey; Wintoun; Galloway; Lauderdaill; Viscount of Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Carnegie; Lord Jedburgh; Lord Tracquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot. Fol. 52, b.

The magistrates of Edinburgh and the change of the terms of the Court of Session.

"The whilk day the toun of Edinburgh, being callit and required to give in thair reasouns aganis the termes of the change of the Sessioun, they desyred in respect of the importance and weight of the bussines that they might have tyme to consider thairof and to confer with the Lords of Sessioun for giving satisfactioun to thame in the mater foresaid. The Lords finds by interloquutor that the toun of Edinburgh aught to give in thair reasouns presentlie, and yitt notwithstanding upon desire of the Lords of Sessioun and for satisfactioun of the feares and prejudices conceaved be the toun of Edinburgh and others upon the said change, the Lords continewis this mater till a forder advisement."

Captain Rollock to reside in the Laird of Frendraught's lodging.

"The Lords for eschewing of trouble ordains Captane Rollock, who wes personallie present, to goe presentlie home to his loodging in Fendrachts hous and to remaine thairin and not to come furth till he be releeved be the Counsell."

Caution by James Gibson, advocate, for Robert Farquhar.

"The whilk day James Gibsone, advocat, compeirand personallie before the Lords of Privie Counsell, actit himselfe as cautioner for Robert Ferquhar that he being fred of his waird, he sall compeir before the Counsell upon Tuisday nixt."

Allowance to Hugh Sampson, Englishman.

"The whilk day the Lords of Secreit Counsell in consideratioun of Hugh Sampsoun, Englishman, his lame and distressed estait, and for defraying the charges of his voyage in his returne home, ordains his Majesteis Thesaurar, Deputie Thesaurar, and Receavers of his Majesteis Rents to make payment and delyverance to the said Hugh Sampsone of the soume of twentie foure punds Scotish money for the purpose aforesaid, quhereanent the extract of this act with the said Hugh Sampsoun his acquittance upon the ressett thairof sall be unto the said Thesaurar, Deputie Thesaurar, and Receavers of his Majesteis Rents ane sufficient warrand."

Acta January 1631-May 1632. Fol. 52, b.

Fol. 53, a.

Supplication by Dame Marion Boyd, Lady Abercorn, that she may be permitted to go to Paisley to attend to her affairs, and to remain there till 1st of August. —Granted.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Dame Marioun Boyd, Countesse of Abercorne, makand mentioun, that where it is not unknowne to the saids Lords how that she hes beene confynned within the burgh of Edinburgh, the Cannogait and Duntarvie now be the space almost of three yeeres to the great hurt of her estait and neglect of her effaires at home; and whereas at her sonne, the Erle of Abercorne, his lait being in this burgh he procured the saids Lords thair warrand for her repairing heere till the last of this instant for the better dispatche and outred of sindrie effaires concerning the weale and standing of his hous whilk without the said Countesse her presence could not be done; and whereas now at his last away going for Court he hes left upon her the burdein and trust of his effaires and the governement of his estait and living whairin she can gett no solide course nor order tane unlesse she be allowed be the saids Lords for some short space to goe to Paisley, where she will have the commoditie to take order with her sonnes tennents to compt for thair bygane fermes and to sattle her owne effaires and bussines; humbelie desyring thairfoir the saids Lords to grant to the said Countesse thair warrand to repaire to Paisley and there to remaine till Lambmesse nixt for the causes foresaids; And whereas the weather is yitt somewhat cold and the said Countesse is verie weake and infirme and darre not hazard to travell till the weather be some more seasonable, that the saids Lords would dispense with her remaining where she is till the fyftene day of Apryle nixt, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they weill advised thairwith, the Lords of Secreit Counsell gives and grants thair warrand to the said Countesse of Abercorne to repaire to Paisley and there to remaine for doing of her sonnes and her awne effaires till Lambmesse nixt; and in the meanetyme in regarde of her present infirmitie and weakenesse and the coldnesse of the weather the saids Lords dispenses with her remaining within the Cannogait where she presentlie abides untill the fyftene day of Apryle nixt; becaus Claud Hamiltoun of Strabrand, her sonne, is become actit and obleist in the bookes of Privie Counsell as cautioner and souertie for her that betweene and the said 15 of Apryle she sall make her addresse to her dwellings of Paisley or Blaickstoun and that she sall there remaine for dispatching her adoes till Lambmesse nixt, and that during the tyme of her abode there she sall not ressett Thomas Algeo nor no jesuits, seminarie nor messe preests and that she sall behave herselffe modestlie without giving occasioun of offence or scandall and that she sall returne backe againe to her waird in Duntarvie betuix and Lambmesse nixt, under the pane of fyve thowsand merkes."

Decreta, March 1631-April 1632. Fol. 177, a.

[Sederunt as recorded above.]

Holyrood House, 24th March 1631.

Supplication by Sir Hew Wallace of Cragie, knight baronet, as follows:— Supplication

by Sir Hew Wallace of Craigie for protection to himself and his cautioners.

Their Lordships granted to him their protection for attending upon the Lords of Exchequer to receive payment of £20,000 for his surrender of the office of bailiary of Kyle Stewart and regality of Newtoun. This sum he was and is still willing to assign for satisfaction of his creditors, and to this end their Lordships also granted protection to his cautioners underwritten. The business has not yet been dealt with by the Lords of Exchequer, and so he craves a prolongation of their Lordships' protection to him and them. This the Lords grant till 6th June next, viz.—to the said supplicant; to William Wallace of Ellerslie, William Wallace of Preistikschaw, Robert Wallace of Barnweill, Robert Wallace of Brighous and John Tait of Adamehill, cautioners for him to David Cuninghame, servitor to his Majesty, for 4500 merks; to the said William Wallace of Ellerslie, Mr. John Hamiltoun, minister at Cragie, Andrew Crawfurd of Drings, Mr. John Chalmers of Poquharne, and Paul Glover of Trinitieland, cautioners for him to Nicol Edward, merchant burgess of Edinburgh, for 2000 merks and to William Cuningham of Drongans for 500 merks; and to the said William Wallace of Ellerslie, Robert Wallace of Barnweill, John Wallace of Sheillis, James Wallace of Dulleres, and Andrew Crawfurd of Drings, cautioners for him to William Gray and Robert Smith, merchants in Edinburgh, for 500 merks. Decreta, March 1631-April 1632. Fol. 177, a. Fol. 177, b.

Protection to the Laird of Wedderburn.

"Another protectioun grantit to the Laird of Wedderburne for dealing with his creditours untill the last day of May nixt."

Holyrood House, 24th March 1631. Commission to Lord Gordon to present Robert Fraser to the Council anent the burning of Frendraught.

"The quhilk day a warrand and commissioun wes past in Counsell to the Lord Gordoun and suche as he sall imploy and for whome be salbe ansuerable for taking and exhibitioun before the Counsell of one Robert Frasair, *alias* callit Domingo, to be examined anent the burning of the house of Frendraught." Sederunts, November 1629-January 1635. Fol. 53, a.

Holyrood House, 25th March 1631. Letter of Council to the Sub-commissioners of Earlston anent the teinds of St. John's Chapel.

After our verie heartilie commendatiouns. We ar informed that in a processe of valuatioun intentit and depending before yow at the instance of M^r^ Robert Hart, advocat, for proving of the constant worth in stock and teind of the lands of S^t^ Johneschappell yow have or intends to include thairin ane malt barn with the houssis standing upoun the saids lands, and sua to compt the rent of the haill *in cumulo* and without respect to the rent that the malt kill and barne payes be the selffe; and whereas yow know that kills and barns ar not lyable to the payment of anie teind we ar thairfoir to requeist and desire yow to try and informe your selffes if this kill and barn hes payed ane severall dewtie be the selffe in tyme bygane and if the lands hes payed ane severall dewtie without respect to the kill and barn, and if yow sall find it so to have beene we thinke there sould be no valuatioun made of the rent of the said barn and kill, and that it sould not be includit with the land; bot if the dewtie hes beene payed joyntlie for the lands, barn and kill yow ar than to informe your selffes what the barn and kill may pay apart fra the lands, and conforme thairto yow sall goe on in your valuatioun, Royal Letters 1623-33. Fol. 195, b.

Royal Letters, 1623-33. Fol. 195, b.

deduceing aff the rent of the lands and of the kill and barn the rent payed for the kill and barn be the selffe; seing in reasoun and justice there can be no forder craved in a mater of this kynde. And quhereas this roume of St. Johneschappell is ane mixt roume, commodious als weill for girse and pastourage as for corne land yow sell thairfoir value the vicarage teind be the selffe and report the same unto us. Quhilks recommending to your care and diligence, becaus the valuatiouns cannot weill now suffer anie delay, we committ yow to God. Frome Halyrudhous the 25 day of Marche, 1631. *Subscribitur*, Geo: Cancell., Hadintoun, Wintoun, Gordoun, Air, Dunkelden.

Fol. 196, a.

May it please your lordships. We have had some meitings with the English Commissioners, and having demanded all frythes, loches, bayes and Yles with some distance frome the land to be reserved for the natives, it is thought too muche except we condescend upon particulars, whairby we may show thame that we intend onelie to reserve so muche without whiche the natives cannot subsist, and not to hinder this good publict worke. And thairfoir we of our selffes not knowing the names of everie one of these places doe intreate that your lordships would be pleased to informe your selffes particularlie of thame and to acquaint us of the same and of your opinioun thairin with diligence; and be assured that as we will be willing to doe all things reasonable that may tend to the advancement of that great and good worke, so we will omitt nothing that doeth concerne the good of our native kingdome quhairwith we ar intrusted, as we ar in duetie bound; and, etc. Quhythall, 25 Marche 1631. *Subscribitur*, Mortoun, Monteth, Roxburgh, Lorne, W. Alexander, M^r^ Johne Hay, G. Fletcher.

Whitehall, 25th March 1631. Letter from the Commissioners of the Fishing at Court.

Fol. 196, b.

Sederunts, November 1629-January 1635. Fol. 53, b.

Chancellor; Privy Seal; Murray; Wintoun; Galloway; Lord Arskene; Lord Carnegie; Lord Tracquair; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Holyrood House, 26th March 1631.

"The Lords allowis Gib and Gammie to go home."

Gib and Gammie.

"The quhilk day a warrand wes past to M^r^ Robert Udnye to confer with James Grant."

Mr. Robert Udny and James Grant.

Acts January 1631-May 1632. Fol. 53, b.

Sederunt—Chancellor; S^t^ Andrewes; Privy Seal; Mar; Murrey; Wintoun; Linlithgow; Perth; Galloway; Bishop of Dunkeld; Viscount Air; Lord Gordoun; Areskine; Melvill; Carnegie; Jedburgh; Tracquair; Bishop of Dumblane; Master of Elphinston; Secretary; Clerk Register; Advocate; Justice Clerk.

Holyrood House, 29th March 1631.

"Forsameekle as Forres, postmaister of Haddintoun, having latelie receaved ane pacquet from Court conteaning ane nomber of

Order to the Postmaster of Haddington to

appear before the Council on a charge of carelessness regarding the delivery of his Majesty's packet.

speciall and important directiouns concerning his Majesteis effaires and service quhilks goodlie could suffer no delay, and he being bound upon the dewtie of his office ever to have freshe hors in readinesse for his Majesteis pacquet and to have dispatched the pacquet with all convenient diligence, notwithstanding whairof he directed the pacquet foresaid with ane footeboy, who tint the same be the way, and the pacquet wes found lying upon the hie way, and the said Forres wes so carelesse and negligent thairof that he never asked for it, nor knew not whether it wes delyvered, to the great slighting of his Majesteis service; for the quhilk he aucht to be exemplarilie punished to the terrour of others postmaisters to doe the lyke. Thairfoir ordains letters to be direct charging the said Forres to compeir personallie before the saids Lords upoun the last day of Marche instant to ansuer upon the great neglect foresaid and to underly suche punishement for the same as his offence justlie demerits, under the pane of rebellioun, etc., with certificatioun, etc." Acta January 1631-May 1632. Fol. 53, b.

Act declaring that the Lyon King, in virtue of his office, is free from taxation.

"Anent the supplication presented to the Lords of Privie Counsell be Sir James Balfoure of Kynnaird, knight, Lyoun King of Armes, makand mention that where the Kings Majestie being trewlie informed that by the liberteis and priviledges of his office he (as all his predecessours before him have peaceablie injoyed frome his Majesteis royall progenitours ane exemptioun frome all taxatiouns), and his Majestie being gratiouslie disposed out of his royall consideration towards the preservatioun of the priviledges of the said office to grant unto the said supplicant the lyke immunitie and freedom frome payment of taxations, his Majestie for this effect by his letter direct to the saids Lords recommendit unto thame the taking of notice and tryell of the supplicants said priviledge and immunitie, and accordinglie to expeid unto him ane immunitie frome taxatiouns, as his Majesteis letter beiris. Conforme to the whilk it pleased the saids Lords to appoint the Lord Melvill and Clerk of Register to try and informe thameselffes by the records of his Majesteis Exchecker what had past in this kynde in favours of anie of the supplicants predecessours, who hes reported unto the saids Lords twa extracts of the Exchecker whairby his predecessours wer fred frome payment of taxatiouns, as the extracts showin to the saids Lords beiris. Humbelie desyring thairfoir the saids Lords that he may have ane act of Counsell past and exped in his favours in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and consideritt be the saids Lords, and they having lykewayes seene and consideritt the twa extracts foresaids under the hand of Sir Johne Hamiltoun, Clerk of Register, the one of the dait at Edinburgh, the first of Aprile, 1618 yeeres, and the other of the dait at Edinburgh, the 14 of September, 1620 yeeres, both proporting that umquhill Sir David Lindsey of the Month, knight, Lyoun King of Armes, who, by Fol. 54, a.

Acta January 1631-May 1632. Fol. 54, a.

the immuniteis grantit and following his office is exeemed frome the payment of taxatiouns, recovered decreits against umquhill Sir Gedeoun Murrey of Elibanke, knight, Collectour of the taxatiouns grantit to our lait soverane lord in the moneth of October, 1612, and in the moneth of Marche, 1617 yeeres, suspending the letters execute aganis him at the instance of the said collectonr for payment of his part of the saids twa taxatiouns, as the saids twa extracts of his Majesteis Exchecker beiris. And the saids Lords, having lykewayes read, heard and considderit his Majesteis missive letter writtin unto thame signifeing his royall pleasure and directioun that the saids Lords after notice and tryell tane of the grant and precedents of former ages sould expeid unto the said Sir James ane immunitie and exemptioun fra the payment of anie taxts, stent or impositioun grantit unto his Majestie in this kingdome, and the saids Lords being thairwith and with the extracts foresaids weill advised, the Lords of Secreit Counsell finds and declaires that the said Sir James be the priviledge of his office is and hes beene exeemed, fred and releeved from payment of anie taxatiouns or impositiouns whatsomever, and thairfoir they have exeemed, fred and releeved, and be the tennour heirof exeemes, frees and releeves the said Sir James frome payment of all taxatiouns and impositiouns whatsomever, during the tyme of his office."

Decreta, March 1631-April 1632. Fol. 178, a.

[Sederunt as recorded above.]

Holyrood House, 29th March 1631.

Supplication by David Ros of Ballangowne as follows:—"He is now in his young and tender age most heavilie distrest by his fathers creditours," who have not only comprised his father's lands and used other execution for recovery of their debts, but are seeking opportunity to imprison himself. If they so do, his education will be interrupted, and he will have no access to his friends for advice as to his broken and ruined estate. He therefore craves their Lordships' protection. The Lords, "finding it ane verie hard mater to waird minors who ar ignorant and innocent of the causes of thair wairding and can doe nothing for thair releeffe, and who by thair wairding will be depryved of the ordinarie helpes of thair educatioun and breeding at schooles," grant him their protection until he attain the age of seventeen years.

Supplication by David Ross of Ballangowan that as a minor he may not be subject to ward by his father's creditors.

Fol. 178, b.

Supplication by Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamiltoun of Cander, her husband, for her interest, as follows:—Their Lordships granted them their protection for dealing with the debts they contracted for relief of James Hamiltoun of Stanehous, son of the said Agnes, and for this end they have disponed certain of their lands to Archibald, Lord Dowglas, from whom they are to receive the price at Whitsunday next. As, therefore, they cannot satisfy their creditors till then, they crave that their protection may be extended. The Lords grant them protection till 6th June next.

Supplication by Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamilton, her husband, for continuance of protection.

Similar protection.

"The lyke protectioun grantit to Dunypace, his sone, and David Barclay of Maders, untill the sext of Junij nixt for selling thair lands for satisfaction of thair creditours." Decreta, March 1631-April 1632. Fol. 178, b.

Similar protection.

"Johne Stewart of Coldinghame his protectioun for dealing with Robert Dowglas of Blaikester, and Alexander Cranstoun of Morestoun anent thair intromissions with his living continued to the 20 of Apryle nixt."

Similar protection.

"Josias Stewart and James Kennedie of Blairquhan thair protectioun for satisfactioun of thair creditours continued to the saxt of Junij nixt."

Similar protection.

"Mr Mathow Crawfurd his protectioun for selling his lands and satisfeing his creditours continued to the fyftene day of Junij nixt."

Supplication by Andrew Anderson, hatmaker, for protection that he may satisfy his creditors.

Supplication by Andrew Andersoun, hatmaker, burgess of Edinburgh, as follows:—"His creditours, no wayes considdering the great losses and burdenis of cautionerie and heavie sickenesse quhilk he hes susteanned and yitt does susteane," seek by all means to undo him, refusing to take assignations to the debts owing to him for their payment so far, and are resolved to imprison him. This will only hinder their satisfaction, and he, being an "old, sickelie and diseased man," with nothing to live upon, will die in prison. He therefore craves their Lordships' protection so that he may go about and gather in what is due to him and therewith pay his creditors. The Lords grant him their protection till 6th June next. Fol. 179, a.

Protection to John Traill of Blebo.

For the better enabling of John Traill of Blebo to take some course for satisfying his creditors, the Lords continue the protection formerly granted to him till 6th June next.

Supplication by Andrew Bruce of Mownes for protection that he may satisfy his creditors.

Supplication by Andrew Bruce of Mownes, as follows:—By the "unhappie burning of his house of Mownes and spoylling of him and his tennents of all that perteanned unto thame be the Dunkirkers" in August, 1627, he was reduced to great want and forced to borrow money to supply his necessities. He sincerely intended to repay the same as soon as he could get his land plenished, but his rigorous creditors, impatient of any delay, threaten him with captions and other legal procedure. He therefore craves their Lordships' protection till Lammas next that he may take order with his creditors. The Lords grant him till 6th August next. Fol. 179, b.

Supplication by Janet Brown, servant to William, Earl of Angus, that she may not be removed from the said Earl's service.

See *ante*, p. 174.

Supplication by Janet Broun, servant to William, Earl of Angus, as follows:—She is informed that their Lordships upon some sinister information has ordained the said Earl to dismiss her from his service. Now, she is an ordinary hearer of the Word, and has no attendance upon the said Earl's daughters, which was the special reason for their Lordships' order; and the Archbishop of Glasgow, knowing that her frequenting of the kirk and hearing of sermons was a special means to inform her and resolve her concerning any scruple she had in her religion, wrote a letter directing the Presbytery of Lanark not to interfere with her during her frequenting of the kirk. She is a young gentlewoman whose parents are dead, and having nothing but her service to maintain Fol. 180, a.

Decreta, March 1631-April 1632. Fol. 180, a.

her, if she is turned out of the said Earl's service, there is no one else in the kingdom who will receive her, and she will thus be driven to extreme misery. She therefore craves that the Earl of Angus may be permitted to retain her in his service. The Lords, in regard that the supplicant is neither excommunicated nor under process for religion, accede to the desire of the petition, provided she gives no offence nor scandal to the Kirk and is not excommunicated; and they declare the said Earl to be free of the act of caution made by him concerning her.

Supplication by Andrew Fraser of Stanywood that he may be allowed to send victual to Norway in exchange for timber.

Supplication by Andrew Fraser of Stanywode, as follows:—He is building a house in Muckalls and cannot obtain in this country suitable timber for the roof of his house, and must therefore send to Norway for it. He is informed that there is a strict prohibition in that country against exporting timber unless victual is brought in by the exporter in payment of the price, and therefore he craves a licence to his factors and servants for exporting thither ten chalders of meal for the foresaid purpose. The Lords grant the permission desired, provided that the meal is all shipped in one ship and before 30th April next.

Fol. 180, b.

Supplication by Sir John Home of Blackadder for protection that he may meet with persons at the horn.

Supplication by Sir John Home of Blacader, Sheriff of Berwick, as follows.—He is engaged for the Laird of Wedderburne and Sir James Home of Eckillis in certain great sums of money, and by the security he has of their lands, must do his best to work out his relief. This he cannot rightly do without injury both to himself and them unless he have their Lordships' warrant to meet with them and arrange for certain transactions at this approaching Whitsunday term. The Lords grant him liberty for the above purpose till fifteen days after Whitsunday next.

Supplication by Robert Buchanan of Leny for a modification of his caution anent his quarrel with the Earl of Perth. See *ante*, p. 168.

Supplication by Robert Buchannan of Leny, as follows:—He has been charged lately to find caution acted in the books of Privy Council in 5000 merks for keeping the peace with the Earl of Perth and David Drummond of Drummanerinoch, and the officer intends to denounce him rebel if he find it not. Now, in "that unhappie conflict" which moved their Lordships to take this step he had no concern whatever. "George Buchannan, his brother, ane young boy of 16 yeeres of age, being travelling throw the Kings hieway from Lany to the place of Forgie in a peaceable maner, accompanied onelie with umquhill Duncane Buchannan and tua young boyes, they were sett upon be Drummanerinoch and his complices, all armed with unlawfull weapouns and cruellie persewed of thair lyfes, and the said umquhill Duncane killed and his brother tane

Fol. 181, a.

prisouner." Moreover, the amount of caution is far above his rank, he being but "ane meane gentleman," unable to relieve his cautioner, and can get no one to undertake for him. He craves that their Lordships will modify his caution. This the Lords do, to 3000 merks.

Supplication by John Campbell of Caddell that he may be

Supplication by John Campbell of Caddell, as follows:—The late King James, by charter under the great seal, dated 1614, disponed to Sir John Campbell of Cadell, knight, the supplicant's father,

allowed to demolish his castle of Dunivaig.

in feu, the isle of Ila, to be held of his Majesty in free barony as the Barony of Ila, with the house of Dynniveg as the chief messuage. Thereafter the deceased Sir James McConnell, assisted by Coill McGillespick and a number of the rebels of the Clandonnald, violently surprised and took the said house of Dynniveg, and having furnished it with men and provisions, held it as a house of war. His late Majesty having sent his forces for its reduction, with cannon and other warlike provision from Ireland, recovered the said house, and many of the principal rebels and traitors were apprehended and suffered the due course of justice. Understanding also that the said house had in former times been a centre of sedition, his late Majesty thought it meet that it should be utterly demolished so as no longer to afford shelter to traitors. This work was recommended to the supplicant's said father, but he, being but newly entered in the isle, and it not being peopled with those of his own friendship, and moreover, having no safe place of residence therein but the said house, was withheld from accomplishing that purpose. Now his said father has disponed this isle to him, and it has been peopled with a number of his own friends, with whose assistance he thinks he will be able to withstand any new assault intended against him while he remains within the isle. His affairs require his frequent resort to the Lowlands, but he is in continual fear of some new attempt to surprise the said house, as only last summer, during his absence attending the Session, a number of the disorderly thieves and limmers of the Yles gave a fearful assault to the said house, and would have taken it and originated another commotion and rebellion in these parts but for the care and dilligence of his servants in making a fierce and courageous defence. As the house is his own he may indeed do therewith as he thinks fittest for the peace and safety of the isle, yet being loath to do anything in such a matter without his Majesty's approbation he has obtained a letter from his Majesty recommending to their Lordships to do therein whatsoever should seem best. The supplicant intends building a more commodious house for his own dwelling in a more proper part of the isle; and for this and other causes foresaid he craves their Lordships' warrant for demolishing the said house. The Lords, considering the danger and menace to the public peace by the standing of the said house, think it meet and expedient that it be cast down, and give commission and warrant to the said John Campbell of Caddell accordingly, "so that it serve not heerafter for a beild, ressett or starting hole to the rebellis of the Yles."

Decreta, March 1631-April 1632. Fol. 181, a.

Fol. 181, b.

Fol. 182, a.

Complaint by Sir Ludovick Houstoun of that Ilk against John Tennent of Carnes, whom he accuses of refusing to pay his rent,

Complaint by Sir Ludovick Howstoun of that Ilk, as follows:—On 28th April last, John Tennent of Carnes was put to the horn at his instance for non-payment of four years' rents of the lands of Wester Carnes and £20 of legal expenses; and he pays no heed thereto. The pursuer compearing by Mr. James Broun, servitor to Mr. Thomas Young of Leny, Writer to the Signet, and the defender not compearing,

Fol. 182, b.

Decreta, March 1631-April 1632. Fol. 182, b.

the Lords ordain letters of caption to be issued against him to the Sheriff of Edinburgh and his deputes, within whose bounds he dwells. Though at the horn on that account.

Sederunts, November 1629-January 1635. Fol. 53, b.

"Ane missive frome his Majestie for prorogatioun of the Parliament and ordour gevin to the commissionaris thairanent accordinglie." Holyrood House, 29th March 1631.

"Ane letter frome the toun of Hamburrough for stopping the execution of the letters of reprisall grantit to Captane Robertsoun aganis the inhabitantis of the said toun, and the Captane ordanit to be writtin for to be heir upoun Thurisday nixt." Missive from his Majesty. Letter from the town of Hamburg.

"The Lordis prorogatis the protectioun grantit to Sir Thomas Scott of Newburgh till this day aught dayes." Sir Thomas Scott of Newburgh.

Fol. 54, a.

"The Lordis ordanis and allowis the Maisteris of his Majesteis workis to haif a sight of the signatour past his Majesteis hand in favouris of the Laird of Rosline to be advisit with till Thurisday nixt." The Laird of Roslin.

"The Lordis gevis pouer and commissioun to the Deputie Thesaurar, Clerk of Register and Advocat to compone and aggree with suche personis as ar callit heir for brek of penall statutis." Breakers of penal statutes.

"The Lordis ordanis Captane Daw to be warnit to heir and see him decernit to insist within xv dayis aganis Johnne Trotter for his domage and interesse." Captain Dow and John Trotter.

Royal Letters, 1623-33. Fol. 199, b.

CHARLES R., Right trustie and right welbeloved cousing and counsellour, right trustie and welbeloved cousins and counsellours, and right trustie and welbeloved counsellours, we greet yow well. Whereas our right trustie and welbeloved cousing and counsellour, the Erll of Annandale, hath informed us that certane ladner mart belonging unto him have bene unjustlie and violentlie taken from his servant wherby (as we ar likwise informed) both we in our right of superioritie of some landis in Annandale and he as our tennent thereof have bene wronged, and by the exemple wherof we may be likwise prejudged in matteris of the like nature, our pleasuir is that yow call before yow such persones as in name of the said Erll shalbe dilated unto yow to have had ane hand in that busines and efter due tryall, if yow shall find the said kyne aither disorderlie or unjustlie taken away, that upone due consideratione and merit of the offence and of the ill consequence the example therof may produce yow fyne and caus punish them accordinglie, that otheris may be terrified from attempting the like hearefter. Quhich recommending to your care we bid yow heartilie fairwell. From our Court at Whitehall the 30 of March 1631. Whitehall, 30th March 1631. Letter from his Majesty anent the stealing of oxen belonging to the Earl of Annandale.

Acta January 1631-May 1632. Fol. 53, a.

Sederunt—Chancellor; St. Andrewes; Privy Seal; Mar; Murrey; Wintoun; Linlithgow; Perth; Galloway; Lauderdaill; Vicount Air; Bishop of Dumblane; Bishop of Ros; Lord Gordon; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Jedburgh; Lord Tracquair; Master of Elphinston; Secretary; Clerk Register; Advocate; Justice Clerk; Scottistarvet; Sir James Baillie, Holyrood House, 31st March 1631.

Letter from his Majesty appointing a new Privy Council, and defining its powers.

Acta January 1631-May 1632. Fol. 53, b.

"The whilk day George, Vicount of Dupline, Lord High Chanceller of this kingdome, produced and exhibite before the Lords of Privie Counsell ane new commissioun for the Counsell, quhilk being read in audience of the saids Lords, the Counsellours particularlie abonewrittin accepted the said commissioun upon thame and gave thair oathes for faithfull discharge of the same, of the whilk commissioun the tennour followes:—Our Soverane Lord ordains ane commissioun to be made under the great seale of the kingdome of Scotland, making mentioun, that where his Majestie out of his princelie and tender regarde to that his ancient kingdome, having a speciall care to the weale thairof, and that his royall auctoritie may still be preserved and advanced thairin, his subjects reteanned under good obedience, all insolenceis and misdemeanours prevented and supprest, and lykewayes that justice may have ane upright course and progresse, and his subjects receave lawfull expeditioun in thair effaires, thairfoir his Majestie hes elected and chosin the persouns particularlie underwrittin to be of his Majesteis Counsell of the said kingdome, viz., John, Archbishop of St. Androes; George, Vicount of Dupline, Lord Chanceller; Williame, Erle of Mortoun, Lord Thesaurar; Williame, Erle of Monteith, Lord President of the Privie Counsell; Thomas, Erle of Hadintoun, Lord Privie Seale; James, Archbishop of Glasgow; James, Marques of Hamiltoun; Williame, Erle Mairshell; Johne, Erle of Mar; James, Erle of Murrey; George, Erle of Wintoun; Alexander, Erle of Linlithgow; Johne, Erle of Perth; John, Erle of Wigtoun; Patrik, Erle of Tullibardin; Robert, Erle of Roxburgh; Thomas, Erle of Kellie; Walter, Erle of Bugcleuche; Johne, Erle of Annerdaill; Alexander, Erle of Gallouay; Coline, Erle of Seafort; Johne, Erle of Lauderdaill; James, Erle of Carlill; David, Vicount of Stormont; Williame, Vicount of Air; the reverend fathers in God, Alexander, Bishop of Dunkelden; Patrik, Bishop of Aberdein; Patrik, Bishop of Rosse; Adame, Bishop of Dumblane; George, Lord Gordoun; Archibald, Lord Lorne; John, Lord Areskine; Robert, Lord Melvill; David, Lord Carnegie; Andro, Lord Jedburgh; Archibald, Lord Naper; Johne, Lord Tracquair; Alexander, Maister of Elphinstoun; Sir William Alexander and Sir Archibald Achesone, Secretars; Sir Johne Hamiltoun, Clerk Register; Sir Thomas Hope of Craighall, knight baronnet, Advocat; Sir George Elphinstoun, Justice Clerk; Sir Johne Scot of Scottistarvet, Sir James Baillie of Lochend, and Sir James Galloway, Maister of Requeists; unto the whiche persouns of his Counsell now established and unto suche as sall be nominat be his Majestie hereafter his Majestie hes committed and be the tennour heerof committs the full administratioun, governement and handling of all and sindrie the effaires of his hienes estait in the said kingdome quhilks heeretofore have been usuallie handled and intreatted in the Counsell of the said kingdome, with als ample libertie, priviledge, auctoritie, preheminence and jurisdictioun as ever Counsell of the said kingdome bruiked or injoyed at anie tyme heeretofore; with power to

Fol. 54, a.

Acta January 1631-May 1632. Fol. 54, a.

thame to this effect to appoint tymes of thair meetings als weill for consulting and concluding upon maters concerning the estait and preserving of his Majesteis peace as for hearing the complaints of parteis and doing of justice; the place of meiting to be in his Majesteis hous of Halyrudhous, except some urgent occasioun draw the same to some uther place or part of the kingdome for a space; and that nane be present at thair meetings bot suche as ar of his Majesteis Privie Counsell with the clerk or clerkes of the said Counsell allanerlie, whome his Majestie continewes in thair places as of before. His Majestie hes lykewayes givin and grantit and be the tennour heirof gives and grants his full power and commissioun to thame and everie ane of these of his said Counsell upon anie interveening occasioun of disorder and trouble in suche parts of the countrie where they sall remaine for the tyme, to command and charge the persoun or persons committers of suche disorders, to observe and keepe his Majesteis peace, and to charge the contraveeners thairof to enter thair persouns in waird in suche part or places, or within suche a short space as the said counseller sall thinke meit there to remaine till order be takin by the whole bodie of the Counsell in the mater whairin they have offended, provyding alwayes he be accomptable to his Majestie and the rest of his hienes Counsell and that no just caus of complaint be heard aganis him; and if the persoun or persons so charged to waird sall happin to dissobey and contemne the charge it is his Majesteis pleasure that upon report thairof to the Counsell ane pecuniall soume be imposed upon the offender according to the qualitie of his persoun and nature of his offence, and the Counsell is to caus apprehend the offenders and to committ thame to ward; with power lykewayes to his Majesteis said Counsell to make and sett doun acts and ordinances for governement of his kingdome and suppressing of disorders within the same; with power lykewayes to the said Counsell to give and appoint assessours to the Justice Generall and his deputs in caise of necessitie, and to give warrand to the said Justice his deputs and assessours for continewing executioun after convictioun or for mitigating of the punishement of the law in criminall causes if the nature and qualitie of the cryme sall require; and to grant commissiouns of justiciarie in maters criminall and others commissiouns in maters concerning the weale of that kingdome; and als with power to thame to give warrand to the said Justice Generall his deputs and others commissioners foresaids for imponing of fynes or pecuniall soumes upon the crymes of adulterie; bearing and wearing of hacquebutts and pistolets, usurie and suche other transgressiouns of the Acts of Parliament where the punishement be law is inflicted on bodie or goods or left to the arbitrement of the judge; and

Fol. 54, b.

lykewayes with power to thame to grant exemptiouns frome oasts, raids of assises, and grant licences of departing and passing out of the said kingdome according to the conditiouns conteanit in the Act of Parliament; and als with power to the said Counsell incaise anie opin and

avowed rebellioun sall happin to be raised within the said kingdome, Acta January 1631-May 1632. whiche cannot be redressed bot by force, to give commissioun of lieuten- Fol. 54, b. nentrie and justiciarie for suppressing of the said rebellioun, and to direct charges to suche parts of the countrie as they sall thinke fitt for the concurrence to be givin in the executioun of the said commissioun; and to give order and directioun to furnishe and advance the soumes of money that sall be requisite in suche expeditiouns; with power lykewayes to the said Counsell to raise the Sessioun upon interveening occasioun or necessitie and to appoint tymes and places of thair doun sitting: and generallie with power to the said Counsell to doe, use and exerce all and everie thing whiche the Counsell of the said kingdome did or might have done in the tyme of his Majesteis lait father: Provyding alwayes, lykeas his Majestie expresslie provides, that this commissioun sall be no wayes prejudiciall to the commissioun of the Exchecker. And it is declared that anie sevin of the said Counsell sall be ane sufficient nomber and make ane sessioun, provyding the Chanceller or President be one of the sevin, and that in thair absence the eldest counseller sall preside. And his Majestie, considering that the often absence of the most part of the Counsell and thair not attendance upon the charge and trust that his Majestie hes credite unto thame will be ane great impediment and hinderance to his Majesteis service, thairfoir his Majestie declaires that it is his speciall pleasure and command that the Chancellor or President of the Counsell doe see and provide that the Counsell be frequent, speciallie in great and weightie maters of estait; and if upon anie occasioun whiche requires the nomber of the Counsell to be more full than the said quorum, the Chancellor or President sall write to suche others of the Counsell as they sall thinke fitt to be present and give thair attendance; in which caise if anie dissobey without a licence obteanned from his Majestie or the quorum of the Counsell or without some reasonable caus, either of whiche sall excuse thair absence, then and in that caise his Majestie wills that the absent sall be censured be the said Counsell as ane neglecter of his Majesteis service, and that his Majestie be advertised thairof. Firme and stable halding and promitting for to hald all and whatsomever things sall be be the said Counsell lawfullie done concerning the premises; and charging heirby all his Majesteis subjects to reverence, acknowledge and obey the said Counsell in all and everie thing concerning the charge Fol. 55, a. and trust concredite unto thame under the pane of treasoun: Ordaining, and his Majestie ordains, the said commissioun to be exped under the great seale without passing anie other seale or register; and these presents to be ane sufficient warrand to the writter to the said seale and keeper thairof for writting and appending the same thairto. Givin at Whitehall the twentie sevin day of Marche 1631."

Licence to the inhabitants of Teviotdale and the Merse to

"Forsameekle as the Lords of Secreit Counsell having by ane former Act upon verie great and important considerationns, especiallie in regarde of the great appearance of dearth and skarsetie of victualls within this

Acts January 1631-May 1632. Fol. 55, a.

kingdome, made ane restraint of exportatioun of victuall be sea or be land furth of the same under certane paines mentiouned and conteanit in the said act, nevertheles the saids Lords being latelie petitiouned be the mayor and aldermen of the toun of Newcastell upon Tyne for a libertie and licence of exportatioun from hence of some certane quantitie of victuall for the supplee of thair toun, now in the tyme of skarsetie of cornes within the same, and the saids Lords being willing to supplee the necessiteis of the said toun so farre as convenientlie may be without the hurt and prejudice of this kingdome, thairfoir the saids Lords gives and grants libertie and licence be thir presents to the inhabitants within the bounds of Merce and Teviotdaill to carie and transport be land to Newcastell suche a proportioun of wheit, ry and beir as convenientlie they may spare, provyding the same exceid not foure thowsand bollis, and to sell the same to the inhabitants of the said toun for thair supplee now in this necessitous tyme, the parteis transporters paying alwayes halfe ane merk in the boll to be payed to suche persouns as by warrand frome the Thesaurar and Deputie Thesaurar sall be appointed to attend upon the Borders for uplifting of the same and restraining the further exportatioun of anie more victuall nor the quantitie abonewrittin without pane or danger to be incurred be thame thairthrow in thair persons or goods, notwithstanding the said act and proclamatioun, quhereanent the saids Lords dispenses be thir presents; dischargeing heirby all his Majesteis customers, searchers and all others whome thir presents doe concerne of making anie stoppe, trouble or impediment to the inhabitants of Merce and Tiviotdaill in transporting of their said victuall to Newcastell be land, discharging thame thairof and of thair offices in that part. And ordains letters to be direct to make publicatioun heirof be opin proclamatioun at all places neidfull, quhairthrow nane pretend ignorance of the same."

transport victual to Newcastle by land—the quantity of the said victual not exceeding 4000 bolls.

Fol. 55, b.

"Forsameekle as the Lords of Secreit Counsell ar certanelie informed that there is ane verie great skarsetie and dearth of victuall in England, France, Spaine and other parts beyond sea; and the saids Lords understanding that there is sufficient plentie of wheit within this countrie, whiche not being the commoun grayne whairwith the whole lieges ar ordinarilie served may in that regarde be the better spared and ane small quantitie thairof transported abroad that by exchange of the same a profitable returne may be made ather in moneyes or other usefull commoditeis, whairof the countrie stands in neid; thairfoir the Lords of Secreit Counsell thinkes it fitt and expedient and thairwithall recommends to the Lords Commissioners of his Majesteis Exchecker, to grant libertie and licence to the merchants and others cravers of the same for transporting of foure thowsand bollis of wheit furth of this kingdome to England or anie part elliswhere, as they sall best find the opportunitie of a good mercat, and that there be three thousand bolls thairof caryed furth of the river of Forth and shipped at the ports of Leith, the Pannes,

Warrant for granting licences to export 4000 bolls of wheat.

Dunbar or Abirledie, and the other thowsand bollis to be caried furth of the river of Tay and to be shipped at Dundie or the Pow of Erroll, and that the whole quantitie of foure thowsand bollis of wheit be shipped and transported in maner foresaid betuix and the first day of August nixtocome upon payment alwayes of fyve shillings Scotish for ilke boll beside the bulyeoun dew thairfoir and compositioun to be givin for the licence according to the quantitie thairin conteanit. And whereas the saids Lords ar informed that there is ane great quantitie of wheit alreadie shipped and readie to be transported contrare to the prohibitioun and restraint made thairof and proclamatioun following thairupoun, thairfoir the saids Lords finds, declaires and ordains that the wheit so shipped sall be lyable to the payment of the double of the said custome, and that no licence sall be granted to the merchants or others awners thairof for transporting of the same bot upon payment of the double of the custome as said is: And further discharges the merchants and others awners of the said wheit so shipped be thame and the maisters and awners of the saids shippes quhairin the same is to be transported of all lousing or transporting of the same untill the fyftene day of Aprile nixt under all highest pane that after may follow. Lykeas the saids Lords declaires that they will recall and discharge the saids licences and the exportatioun of wheit be vertew thairof according as they sall find the estait of the countrie after tryell to require. And ordains letters of publicatioun to be direct heerupoun quhairthrow nane pretend ignorance of the same." Acta January 1631-May 1632. Fol. 55, b.

Commission anent persons convened before the Justice for adultery, usury, etc.

"Forsameekle as there is certane persouns charged and to be charged frome severall parts of this kingdome to compeir before his Majesteis Justice and his deputs in the tolbuith of Edinburgh to underly the law for the crymes of adulterie, usurie, bearing and wearing of hacquebutts and pistolets, maltmaking and selling the same contrarie the Acts of Parliament and for the breake of some penall statuts, and whereas they ar willing to compone and agree for thair saids offences or to purge thameselffes be oath where other lawfull probatioun is not deduced; and the Lords of Secreit Counsell being loath that they sould be unnecessarlie haldin heir anie long tyme to attend that bussines bot that they be dispatched with convenient diligence, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power, commissioun and warrand be thir presents to Johne, Lord Stewart of Traquair, Deputie Thesaurar; Sir Johne Hamiltoun of Magdalens, Clerk of Register; and Sir Thomas Hope of Craighall, knight baronet, his Majesteis Advocat, to conveene and meit in his Majesteis Exchecker hous and in suche other place and at suche tymes as they sall thinke good and to call the saids persouns before thame and to leade, use and deduce all lawfull probatioun by thair oath or otherwayes, and accordinglie to sett doun thair fynes and compositions and to compone and agree with thame thereanent; and in caise they prove free and innocent to Fol. 56, a.

Acts January 1631-May 1632. Fol. 56, a.

assoilzie thame fra the persute intendit agains thame, and all other things for cleering and discoverie of the truthe of the crymes objected aganis the saids persouns to doe and use quhilks in suche caises ar lawfull and usuall. Firme and stable halding and for to hald all and whatsomever things the saids commissioners sall doe heerin als weill by componing and fynning of the persons guiltie as by absolving of the innocent."

Captain Rollock.

"The Lords of Secreit Counsell ordains and commands Captane Rollock to keepe his hous and not to come furth thairof except to see his uncle allanerlie till Mononday nixt."

Two letters from his Majesty desiring the Council to grant a commission to the Marquis of Hamilton for the levying of 6000 men for service in Germany.

"The whilk day the twa missive letters underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell wer presented to the saids Lords and read in thair audience, of the whilks the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas our right trustie and right weilbelovit cousine and counsellour, the Marqueis of Hamilton, is to levey sax thowsand men in that our kingdome and to transport thame into Germanie for assisting of our brother, the King of Sueden, in his warres undertakin for releefe of our distressed freinds there, whiche generous interprise of our loving cousine we have not onelie approved bot have lykewayes caused provide him
Fol. 56, b. with competencie of moneyes for performance of the same; and seing this interprise so muche concerneth the libertie of our freinds and the commoun good of Christendome, our will and pleasure is that upon sight heirof yow caus expede unto him ane commissioun under our great seale for leveying and transporting the said sax thowsand men according to the best and most speedie maner that hes beene at anie tyme heeretofore accustomed, or as can lawfullie and possiblie be granted, and that he and all persouns imployed under him have your best furtherance and assistance als weill in the leveying as for the transportatioun of his men; quhairin we will not doubt bot your endeavoures will be answerable to our expectatioun. We bid yow farewell. Frome our honnour at Hampton Court, the 24 of September, 1630. CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Having givin commissioun unto our right trustie and right weilbelovit cousine and counsellour, the Marqueis of Hamiltoun, for the levey of sax thowsand men within that our kingdome, and seing that the speedie doing thairof doeth both highlie concerne us and our freinds abroad and that the seasoun doeth now approache for thair transportatioun, our pleasure is that yow unanimouslie concurre by all possible and lawfull meanes to use your best endeavoures to that purpose; quhairin as yow sall doe unto us most acceptable service, so we will not be unmyndefull of your affectioun and panes takin thairin. So we bid yow heartilie farewell. Frome our

Court at Whitehall, the 21 of Marche, 1631. Quhilks letters being heard and consideritt be the saids Lords, they according to his Majesteis directioun mentiouned in the saids letters ordained the commissioun underwrittin to be past and exped under his Majesteis great seale to the said Marqueis, of the quhilk commissioun the tenor followes:—Our soverane Lord ordains ane commissioun to be made under the great seale in dew forme to his trust cousine and counsellour James, Marqueis of Hamiltoun, Erle of Arran and Cambridge, Lord Avendaill, Arbroth, Kinneill and Innerdaill, Knight of the most noble order of the Garter, Stewart of Hampton Court and Portchemouth and Maister of the Horses, givand, grantand and committand unto him full power and commissioun, expresse bidding and charge to levey and take up sax thowsand men in whatsomever part within this kingdome where he may have thame and to conduct, leade and transport thame to Germanie for releefe of his Majesteis distrest freinds there; with power to the said Marqueis for the better conduct and governement of the said sax thowsand men to distribute and divide them in competent nombers and companeis under their severall officiars and commanders and to nominat and appoint officiars and commanders over thame; and to caus towke drummes, displey cullours and to doe and performe all and everie other thing that towards the uplifting, transport and conduct of the said nomber of men is requisite and necessar, with als ample power, libertie, auctoritie and jurisdictioun as anie others generalls, colonells, officiars and commanders formerlie hes had within this kingdome. Ferme and stable halding and for to hald all and whatsomever things the said Marqueis sall lawfullie doe heerin. Commanding heirby all judges, officiars and magistrats to burgh and land that they and everie ane of thame within thair severall bounds and jurisdictiouns assist the said Marqueis, his officiars and commanders in all and everie thing tending to the executioun of this commissioun and to doe nor attempt nothing to frustrat nor hinder the same. And if anie persoun or persons who sall receave pay and inroll thameselffes under the charge of the said Marqueis, his officiars and commanders and thereafter sall abandoun and leave thair service that then the saids judges, officiars and magistrats, upon complaint to be made and verified to thame, doe justice thairin accordinglie. And that thir presents be ane sufficient warrand to the Directour of the Chancellarie and Keeper of the Great Seale for expeding the same throw the Chancellarie and appending the great seale thairto without anie forder precepts to be direct thairupoun. Givin at Halyrudhous the last day of Marche 1631."

Acts January 1631-May 1632. Fol. 56, b.

Fol. 57, a.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 182, b.

Holyrood House, 31st March 1631.

Complaint by Thomas Fotheringham

Complaint by Thomas Fothringhame of Powrie, sheriff principal of Forfar, and Thomas Fothringhame of Bacake sheriff depute thereof, as

Decreta, March 1631-April 1632. Fol. 182, b.

follows:—The provost and bailies of Forfar, alleging that in September 1625 they obtained a decreet of their Lordships ordaining that the sheriff courts of Forfar should be held in the burgh of Forfar, have charged the complainers to hold their courts in the tolbooth of Forfar under pain of horning. Now to the obtaining of that pretended decreet neither the sheriff of Forfar for the time nor the noblemen and barons of the shire, whom the removal of the sheriff courts from Dundee to Forfar chiefly concerns, were cited, and thereby such a decreit is void in itself, the party not having been first heard. If they had been cited they would have appeared and proponed, as they now do, that the said sheriff courts having been held past memory of man in Dundie, as the most proper and convenient place for the administration of justice to the inhabitants of the said shire, cannot be transferred to Forfar without the express authority of Parliament. Moreover, though it may appear that by Act of Parliament the sheriff is bound to keep the three head courts at the head burgh of the shire, yet this does not prevent him in the right of his office from holding his other courts wherever the necessity of his Majesty's service and the convenience of the lieges may require. To oblige the lieges to pursue in Forfar and nowhere else, often for such small sums as merchant accounts and such like, would entail great hardship on the poor, and more than annul any benefit they could receive from justice. Further, it would often be very inconvenient for the complainers to repair to Forfar, their presence being so frequently required elsewhere in the duties of their office. They have only before their eyes the good of his Majesty's service and the welfare of the lieges; and as they have found caution, each in 500 merks, that if after discussing of the question the Lords find that they ought to do the same, they will obey: they crave suspension of the horning. Charge having been given to Andrew Hunter, provost, and William Hunter and James Bannerman, bailies of Forfar, and they compearing by Mr. David Persoun, town clerk of Forfar, Mr. James Baird, their procurator, and John Mill, one of the council of Forfar, and the said Thomas Fothringhame of Powrie also compearing with Mr. John Russell, his procurator, and insisting mainly upon their first reason, viz.—the nullity of the said decreet for the reason foresaid, and the said decreet being produced and bearing that only the provost and bailies of Dundie were cited as parties and not the Sheriff of Forfar, the Lords, after hearing parties, grant suspension as craved.

Fol. 183, a.

Fol. 183, b.

of Powrie, Sheriff of Forfar, against the provost and bailies of Forfar, who allege that the said burgh is the lawful place for the holding of the sheriff courts of the shire of Forfar.

Complaint by the provost and bailies of Forfar, for themselves and in name of the council and community of the said burgh, as follows:—In the sixth Parliament of the late King James it is ordained that every sheriff in the kingdome shall have "ane honest and famous man to be his clerk," who by himself or a sufficient depute shall always be resident within the head burgh of the shire for receiving and registering hornings, relaxations, and otherwise serving his Majesty's lieges

Fol. 184, a.

Complaint by the provost and bailies of Forfar against William Gray, sheriff-clerk, who refuses to reside within the said burgh, in contravention of the law.

Now the burgh of Forfar is the head burgh of the sheriffdom of Forfar, and the complainers have purchased decreets from their Lordships ordaining that all the sheriff courts shall be held within that burgh; yet William Gray, the present Sheriff Clerk, in contempt of the said act refuses, either by himself or a sufficient depute, to reside within the said burgh. Parties being cited and the pursuers compearing by Mr. David Persoun, their procurator, and the said Mr. William Gray compearing personally, the Lords, after hearing parties, ordain William Gray, either by himself or his sufficient depute, to make his residence in the burgh of Forfar in terms of the act, and allow him till 1st May next for his removal thither. Decreta, March 1631-April 1632. Fol. 184, a.

Complaint by John, Lord Erskine, against certain tanners who refuse to adopt the new process of tanning.

Complaint by John, Lord Areskine, in terms as formerly (*ante* p. 162) against the following refractory tanners, John Purves, Andrew, Angus, Mungo, James and David Johnestoun, William Tait, Michael Mitchelhill, John, William and George Lidderdaill, John and William Smaill, John Mynto, James Blaikie, William Nicoll, James Ewart, Walter Scot, John Mudie, George Johnestoun, John Smaill, younger, Thomas Johnestoun, George Smaill, John Smaill, Robert Currour and George Scot, all in Selkirk; and James Mader, James Ainslie, John Tod, James Gledstains, and Adam Rennick in Jedburgh. The pursuer compearing personally but none of the defenders, the Lords ordain them to be put to the horn and escheat. Fol. 184, b. Fol. 185, a.

Holyrood House, 31st March 1631. Letter from the Commissioners of the Fishing.

"Ane missive frome the Commissionaris of the fisheing desiring to be particularlie certifyed of the frethis, lochis and bayis craved to be exceptit and reserved for the use of the cuntrey, quhairanent the toun of Edinburgh being warnit, and thay compeirand be Nicoll Uddart and M^r^ Alexander Guthrie, thay tooke the nixt Counsall day to reporte a perfyte not and record of the same." Sederunts, November 1629-January 1635. Fol. 54, a.

Holyrood House, 31st March 1631. Letter to his Majesty recommending James Acheson, who by the death of the late Earl of Orkney lost £4120 which the said Acheson had lent to the said Earl.

Most sacred Soverane, This bearer, James Achesoun, having petitioned your Majesteis most deare father of ever blessed memorie for debts dew unto him frome the late Erle of Orkney, whois estait was resumed to the crowne, we did thairafter appoint your Majesteis Deputie Thesaurar, Clerk of Register, and Advocat to examine his accompts and they made report to us that they found that the said late Erle the tyme of his deceasse wes by cleere accompt addebted to the said James in the soume of foure thowsand ane hundreth twentie one punds of borrowed money, and that for furnishing a little before his death, as by our former recommendatioun be letter writtin in his behalfe may appeare. And in regarde your Majesteis said lait deere father by diverse letters directed unto us did intimat his gracious intentioun to grant unto the said James the office of keeping a tole booke in all the faires and mercats of this kingdome in full satisfactioun of his said debt, your Majestie upon notice thairof wes graciouslie pleased laitlie to signe ane graunt of the said office unto the said James under your Majesteis royall signature; bot in regarde the magistrats of the toun of Edinburgh in name of the rest of the royall Royal Letters, 1623–33. Fol. 197, a.

Royal Letters, 1623-33. Fol 197, b.

burrowes of this kingdome hes objected aganis the passing of the said graunt throw the seales as being ane mater prejudiciall unto thame and thair faires and mercats, thairfoir upon the said James Acheson his humble supplicatioun made unto us we ar heerby bold of new againe to recommend the said James Achesoun and his said debt and long forbearance thairof unto your Majesties owne princelie considerationn and other satisfactioun, the poore man being now utterlie undone for want thereof these manie yeeres bypast; and if he sall happin to make anie other faire overture to your Majestie for his satisfactioun otherwayes than by troubling your Majesteis coffers, quhilks ar now emptie, we would humbelie intreate for your Majesteis gracious acceptance and allowance thairof for his better subsistence heirafter. So praying, etc. Halyrudhous, *ultimo Martij*, 1631. *Subscribitur*, Dupline, Wintoun, Perth, Galloway, Lauderdaill, Air, Areskine, Carnegie, Tracquair, Arch. Achesoun, S^r^ Thomas Hope.

Acta January 1631-May 1632. Fol. 56, a.

Sederunt—Chancellor; Murrey; Wintoun; Linlithgow; Perth; Gallouay; Lauderdaill; Vicount of Air; Bishop of Dunkeld; Bishop of Rosse; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Jedburgh; Lord Tracquair; Master of Elphinston; Secretary; Clerk Register; Advocate; Sir John Scot. Holyrood House, 1st April 1631.

"The Lordes allowes Alexander Bythe to goe home and ordains the Laird of Fendraucht to stand still burdenned for Thomas Jose, his man, till Witsonday; and ordains Captane Pollock to remaine till the tryell of Johne Meldrum." Witnesses anent the burning of Frendraught.

"The Lordis ordains Johne Meldrum to be put to the tortour of the bootes the morne at eight of the clocke in the forenoone." John Meldrum to be tortured.

Fol. 56, b.

"Forsameekle as the Kingis Majestie hes writtin his princelie direc- tiouns to the commissioners of his parliament for prorogating of the same untill the fourt day of August nixtocome, quhairby his Majestie may have some more tyme and leasure to be heere in person at the said parliament and to receave his crowne for the peace and securitie of this his ancient kingdome, if his royall effaires can convenientlie permitt his Majestie, thairfoir the Lords of Secreit Counsell according to his Majesteis expresse command and directioun sent unto thame ordains letters to be direct charging heralds, pursevants and messingers of armes to pas to the mercat croce of Edinburgh and other places neidfull and there be opin proclamatioun to make intimatioun to all his Majesteis lieges and subjects that the said parliament is prorogat and continewed to the said fourt day of August nixtocome, and to warne all prelats, noblemen, commissioners for the barons and burrowes and all others having place, vote or owing attendance in the said supreme court of parliament to attend and await upon the same the day foresaid, with continuation of Meeting of Parliament postponed till the 4th of August following.

dayes, and to doe and performe all and sindrie suche things as to thair places and offices apperteanes, with intimatioun as effeiris. Followes his Majesteis missive for warrand of the act abonewrittin—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Whereas we have writtin our princelie directioun unto our commissioners of parliament to prorogat and continew the same unto the fourth day of August nixtocome, whairby we may have some more tyme and leasure to be there in persoun at the said parliament, and to receave our crowne for the peace and securitie of that our ancient kingdome, if our effaires can convenientlie permitt us, our pleasure thairfoir is and we doe heirby authorize, will and require yow that after the said parliament sall be prorogated and continewed, as said is, yow caus intimat the said prorogatioun and continuatioun to all our good lieges within our said kingdome by opin proclamatioun at the mercat croce of Edinburgh and at others places neidful, and warne all prelats, noblemen, commissioners for barouns and burrowes and all others having place, vote or owing attendance in the said supreme court of parliament to attend and await upon the same the foresaid day with continuatioun of dayes, and to performe all and sindrie suche other things as to thair places and offices doeth apperteane. And for doing of the premisses these our letters sall be unto yow and everie of yow frome tyme to tyme ane sufficient warrand and discharge in that behalf. We bid yow fareweill, the 18th day of Marche, 1631. From our Court at Whitehall."

Acts January 1631-May 1632. Fol 56 b.

Confirmation of two Acts of Parliament anent Highland and Border thieves.

"Forsameekle as in the parliament haldin at Edinburgh in the moneth of Julij, 1567, it wes statute and ordained that all landslords and bailleis of the lands on the Borders and in the Hielands where brokin men hes dwelt or dwellis sould find cautioun, landed men in the inne countrie, to the contentment of the Lords of his Majesteis Privie Counsell upoun the conditiouns following, to witt, that if anie of thair men, tennents and servants, and indwellers upon thair lands, roumes and possessiouns or within thair baillereis sould committ anie maisterfull reaffe, thift or ressett of thift, depredatiouns opin and avowed, fire raisings upon deadlie feads, protected and mainteanned be thair maisters, that the landslords and bailleis upon whois lands and in whois jurisdictioun they dwell sall bring and present the persouns compleanned upon before his Majesteis Justice and his deputs to abide tryell and underly the law for the same crymes upon fyftene dayes warning, as in the said Act of Parliament at lenth is conteanit. Lykeas in the Parliament haldin at Edinburgh in the moneth of Junij, 1594, it is statute and ordained that everie theefe and sorner sall be esteemed the man and servant of him of whome he hes land in tillage or pasturage, or whome the theefe, sorner or reaver accompaneis at conventiouns, gadderings or at anie violent deids, or on whois ground the said theefe or reaver is

Fol. 57, a.

Acts January 1631-May 1632. Fol. 57, a.

ressett and taryes twelfe houres togidder with the knowledge of the landslord, being of power and abilitie to apprehend him, or who hes receaved bands of manred or givin band of maintenance to theeves or reavers, or receaved thair calpes and herezelds, or who hes had the saids theeves and reavers under thair assurance and exemptioun, as the said Act of Parliament at lenth beiris. The executioun of the quhilks acts hes beene thir diverse yeeres bygane slighted and neglected, quhilk hes givin boldnesse and encouragemement to sindrie disordered and brokin lymmars in the Hielands to come doun in troupes and companeis in the inne countries where they have not onlie committed stouthreaffes, heirships and depredatiouns, bot treasonable fire raisings, barbarous and cruell murders and slaughters upon diverse his Majesteis good subjects, highlie to his Majesteis contempt and to the disgrace of his royall governement. And whereas the bypast neglect of the dew executioun of the saids acts and the not calling of the landslords and bailleis of thir disordered lymmars to thair answere hes beene ane of the cheefe causes that hes procured thir disorders and troubles, thairfoir the Lords of Secreit Counsell hes resolved no longer to neglect the executioun of the saids Acts of Parliament bot upon the complaint of partie they will prosecute and follow out the same with all extremitie; and they ordaine letters to be direct to make publicatioun hereof be opin proclamatioun at the mercat croces of Aberdein, Banff, Elgine, Forres, Narne and Innernes and others places neidfull, whairthrow nane pretend ignorance thairof, and to warne all and sindrie landslords and bailleis upon whois ground or within whois offices and jurisdictioun anie disorderlie lymmars dwellis and who sall committ anie of the crymes particularlie abonewrittin that everie such landslord and baillie sall be callit to thair answere and sall be made answerable for the theeves and reavers, committers of the crymes abonewrittin, or anie of thame, and sall be compelled to exhibite thame to thair tryell, conforme to the saids Acts of Parliament in all points."

Fol. 57, b.

Submission of their differences by Sir John Scott of Newburgh and Andrew Scott, chirurgeon, burgess of Edinburgh.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Johne Scott of Newburgh, on the ane part, and Androw Scot, chirurgian, burges of Edinburgh, on the other part, and submitted, lykeas be the tennour of this present act both the saids parteis submitts, the present differenceis betuix thame anent the said Androw his ingadgements for the said Sir Johne and anent thair compts, reckonings, intromissiouns and debursements resulting and rysing upon the saids ingadgments and whairwith either of them can burden others for anie caus bygane preceding the dait heirof, to the honnourable persons underwittin, they ar to say, to William, Vicount of Air, and Johne, Lord Stewart of Tracquair, judges and arbiters chosin for the part of the said Sir John Scot, and to David, Lord Carnegie, and Sir John Scot of Scottistarvet, judges and arbiters chosin for the part of the said Androw Scot, and in caise of variance betuix

thame to George, Viscount of Dupline, Lord High Chancellor of this kingdome, oversman chosin with consent of both parteis, and to the decreit and sentence arbitrall to be givin and pronunced be the saids judges or oversman heeranent; unto the quhilks judges the saids parteis obleissis thame to give in thair claimes and articles of accompt with the instructiouns and verificatiouns thairof at suche tymes as sall be appointed to thame be the saids judges for cleering of suche points and articles of the saids accompts as sall be in questioun betuix thame; lykeas the saids judges and oversman hes accepted and accepts this submissioun in and upon thame and sall appoint to the saids parteis competent tymes when and where they sall attend and give in thair clames; and the saids judges or oversman sall pronunce and give furth thair decreet and sentence heerin betuix and the day of nixtocome; and quhatever the saids judges or oversman sall decerne heerin both the saids parteis binds and obleissis thame to stand and abide thereat, underly and fulfill the same, but appellatioun, reclamatioun or again calling quhatsomever. Lykeas M^r^ Robert Burnet, brother to Burnet of Barns, advocat, compeir- and personallie before the saids Lords, become actit and obleist as cautioner and souertie for the said Sir Johne that the said Sir Johne sall make payment to the said Andro of suche soumes of money as after fitting and hearing of thair compts the said Sir Johne sall be found cleerelie debtfull to the said Androw." Acta January 1631-May 1632 Fol. 57, b.

Two prisoners in the Tolbooth to be transported for foreign service.

"The Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to delyver James M^c^Callum and Alaster M^c^Inneis, prisouners within thair tolbuith, to Sir James Livingstoun, to be transported and imployed by him in service of the warres, for doing whairof these presents sall be unto the saids provest and bailleis ane sufficient warrand." Fol. 58, a.

Margaret Wood to be scourged and banished.

"The Lords of Secreit Counsell in respect of the manifold perjureis and false depositiouns made be Margaret Wod aganis persouns of qualitie, importing thame in thair lyffes and estates, finds and ordains that the said Margaret Wod sall be scourged through the burgh of Edinburgh and banished the kingdome; and ordains the provest and bailleis of Edinburgh to caus execute this sentence and to make intimatioun to the said Margaret Wod of the act of banishement thus made aganis her; for doing whairof the extract of this act shall be unto the saids provest and bailleis ane sufficient warrand."

Holyrood House, 1st April 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 185, a.

Warrant to the magistrates of Dundee to arrest all victual that is

"The Lords of Secreit Counsell for the better executioun of the act and proclamatioun latelie published aganis the exportatioun of victuall furth of this kingdome hes givin and grantit and be thir presents gives

Decreta, March 1631-April 1632. Fol. 185, a.

and grants full power and commissioun, expresse bidding and charge to the provest and bailleis of Dundie to arreist and stay all shippes and vessellis within thair bounds and jurisdictioun whairin anie victuall sall be shipped to be transported furth of this kingdome without libertie and licence granted for that effect, and to sequestrat the same to be furthcummand to his Majesteis use as accords; and for this effect, if neid beis to take the sales frome the raes, and all others things necessar for arreisting and staying of the saids shippes and vessells to doe and use. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin." being exported without licence.

Fol. 185, b.

Complaint by Janet Grant, mother of the deceased Thomas Grant, and others against Sir John Grant of Frewchie, who refuses to produce Alaster Grant, at the horn for the slaughter of the said Thomas Grant.

Complaint by Janet Grant, mother of the deceased Thomas Grant of Dalvey, Patrick Grant, his brother, and Patrick Grant of Straliauche, his uncle, as follows:—On 29th June last their Lordships granted a decreet finding that Alaster Grant in Tulloch, a notorious rebel for the slaughter of the said Thomas Grant, is man and tenant of Sir John Grant of Frewchie, knight, and that his wife, children and goods were upon Sir John's ground, and assigning to Sir John the 22d of July last for the exhibition of the said Alaster Grant before them. Sir John was then excused on account of his indisposition and sickness, and Michaelmas last assigned for his production of the said Alaster; but he has neither obeyed their Lordships' command, nor made any report to them upon the matter. The pursuers appearing by John Grant, apparent of Ballindallach, and the said Sir John compearing personally, the Lords, after hearing parties, ordain the said Laird of Grant to be warded in the Castle of Edinburgh upon his own expenses until he produce the said Alaster Grant.

Fol. 186, a.

Supplication by William, Earl Marischal, for licence to export victual to Norway in exchange for timber to be used in building a bulwark for Aberdeen harbour.

Supplication by William, Earl Marishell, as follows:—He intends to build a bulwark and to repair the harbour of Peterheid, which is one of the special ports in the north parts for ships in time of storm and other important occasions, but he cannot procure sufficient timber for the purpose, except from Norway. Owing to the prohibition there of all export of timber unless victuall is imported in exchange he can obtain none unless their Lordships grant him their license to export thither twenty chalders of victual, half beir and half meal, and this he accordingly craves. The Lords, willing to further the said Earl's "honnourable resolutioun," grant him warrant as craved; Robert Keith, Writer to the Signet, becoming cautioner, entered in the books of Secret Council, for the said Earl, that he will bring timber from Norway for the purpose above written, under the penalty of the payment of the price of the victual so to be exported.

Fol. 186, b.

Similar supplication by David, Lord Carnegie.

Supplication by David, Lord Carnegie, for a similar license. "He hes occasion and necessitie of building and repairing of some houses for his better accommodatioun and ease in his loodgings," and requiring for this to bring some timber from Norway, craves license to export thither ten chalders of beir, meal and malt. This the Lords grant, William Carnegie,

burgess of Edinburgh, becoming cautioner that Lord Carnegie will perform his compact, under the penalty of paying the price of the victual exported. Decreta, March 1631-April 1632. Fol. 186, b.

Similar supplication by Sir Thomas Urquhart of Cromarty.

Supplication by Sir Thomas Urquhart of Cromartie, Sheriff of Cromartie, for a similar license. He is building a house for his better accommodation, and can obtain timber for it only in Norway. He craves their Lordships' license to export ten chalders of beir and meal for this purpose; and this the Lords grant, Mr. Robert Ferquhar, burgess of Aberdein, becoming cautioner for him in terms as above. Fol. 187, a.

Supplication by Robert, Earl of Nithsdale, lord of the regality of Drumsleit, for direction as to the punishment of two criminals.

Supplication by Robert, Earl of Nithsdale, lord of the regality of Drumsleit, and Adame Sturgeoun of Troqueir, bailie depute of the said regality, as follows:—In a justice court lately held by the said bailie depute at on , one Dorothy Hall, Hall, her brother, John Maxuell, her son, and Isobel Charletoun, her servant, were charged with stealing a chapman's pack and two cows, and the said Dorothy and her brother, being convicted of the theft, suffered death for the same. The said Isobel was convicted of reset, and the said John of art and part of the stealing of the cows. The poor woman is a stranger, and what she did was by direction of the said Dorothy; and the said John is a boy of thirteen years, and acted only at his mother's instigation. They crave their Lordships' direction as to the sentence to be passed upon them. The Lords remit their punishment to the Lord of regality foresaid and his said depute "according as they sall find the nature and merite of the offence deserve." Fol. 187, b.

Complaint by James Murray and Anthony Alexander, Masters of his Majesty's Works, against Mr. John Hart in the Canongate, whom they accuse of disregarding an ordinance of the Council.

Complaint by James Murrey and Antonie Alexander, Masters of his Majesty's Works, and Alexander Peirs for his interest, as follows:—His Majesty has given order for the building of a pond in some convenient place for washing and watering his Majesty's horses, and the complainers for this purpose chose a place near the "Water Yett where they wer accustomed to lay the red of his Majesteis houses," as most proper and commodious, and had five hundred pieces of hewn work and other material in readiness to have commenced the work in January last, when they were interrupted by Mr. John Hart in the Cannogait upon a pretended right which he alleged to the said bog. On 25th January last their Lordships ordained him to come to an agreement with the complainers and accept a reasonable satisfaction, but he utterly refuses to accept any. They accordingly caused some workmen to commence operations, but the said Mr. John had come to the poor men and threatened them with hanging if they proceeded any further. Both parties compearing and submitting to the said Lords the satisfaction to be given for the bog, the Lords ordain the pursuers to pay to the defender £40 for his right thereto. Fol. 188, a.

Complaint by Andrew White, keeper of the Tolbooth of Edinburgh,

Complaint by Andrew Quhyte, jailor and keeper of the tolbooth of Edinburgh, as follows:—Margaret Wod was committed to ward therein on 18th December last, and remained in "the old waird thairof" forty-

Decreta, March 1631-April 1632. Fol. 188, a.

five nights, for which there is due to him as jailer fee £9, being 4s. nightly. Thereafter being put to the torture she was committed "to close waird with twa weomen to attend her and ane man to opin the doore," and their lordships allowed unto her and them 20s. daily from the 2d February till the last of this instant. This amounts to £58, which the complainer has advanced unto her by their Lordships' direction. Further there is due to the complainer as jailor fee during this period £19 6s. 8d. and £8 14s. for a furnished bed, of which he can obtain no payment. Charge having been given to George, Lord Gordoun, William, Lord Hay, and James Crichtoun of Fendraucht; and parties all compearing personally except Fendraucht, who was represented by Mr. James Baird, his procurator, and being heard, the Lords ordain the said Laird of Fendraucht to pay to the pursuer the expenses of the said Margaret Wod both before and after the torture, being 10s. before and 20s. after the torture daily, with half a merk for her bed and jailor fee daily.

that he has not received payment for his outlay in maintaining Margaret Wood. The Laird of Frendraught is ordered to pay him.

Fol. 188, b.

Complaint by James Grahame, messenger, and Susanna Heriot, widow of John Mowat, burgess of Edinburgh, as follows:—On 28th March last the said James Grahame, assisted by the town officers, and Duncan Campbell and George West, messengers, apprehended David Littill of Ormestounhill in the "kirk heuche" of Edinburgh on a caption at the instance of the said Susanna Heriot, whereupon Alexander Monteith, servitor to Lord Balmerinoch, and James Libbertoun and Matthew Wauchop, also his servants, assailed the said messenger fiercely with their drawn swords, wounded him in the left hand and other parts of his body to the great effusion of his blood, reft the said rebel from him and put him in the said Lord Balmerinoch's lodging, vowing that, if the messenger came there, "they sould putt swords in his bellie." Pursuers and defenders both compearing, and witnesses being examined and parties heard, the Lords find that the said Alexander Monteith struck the messenger with a sword and put away the rebel, and ordain him to be warded in the tolbooth of Edinburgh till they relieve him. The other defenders are assoilzied.

Complaint by James Graham, messenger, against Alexander Monteith and others, whom he accuses of assaulting him while in the discharge of his duty.

Fol. 189, a.

Complaint by Marion Home, wife of Patrick Cranstoun of Corsebie, as follows:—On 5th April last their Lordships modified to her the sum of 800 merks to be paid to her by her husband for a year's aliment, viz., till 1st April instant. Her said husband still continues in his malicious disposition towards her, and shaking off all natural affection has lately put away his three children, whom she has been obliged to entertain upon her aliment in Edinburgh with great difficulty. Now that he may reduce her and her harmless children to beggary he is resolved to dispone his whole means to Cranstoun, his base son, to whom he has already disponed a considerable part; and further to ensnare and bring under danger of the law the young boys, of whom the eldest is not years, he has caused them to be charged to find law-

Complaint by Marion Home against her husband, Patrick Cranston of Corsebie, whom she accuses of refusing to pay her the aliment which the Council had allocated to her during their separation.

burrows towards himself and his said base son. She therefore pleads that her aliment should be continued to her yearly during their separation, and something modified for the support of the three children. Pursuer and defender both compearing and having been heard, the Lords continue the sum of 800 merks modified to the pursuer for her support for the year to come, and other 200 merks for the support of the three children, and ordain the defender to make payment thereof at the terms of Whitsunday and Martinmas next. Decreta, March 1631-April 1632. Fol. 189, b.

Holyrood House, 2nd April 1631.

Sederunt.—Chancellor; Murrey; Wintoun; Perth; Gallouay; Lauderdaill; Viscount of Air; Bishop of Rosse; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquair; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir Johne Scot; Sir James Baillie. Acta January 1631-May 1632. Fol. 58, a.

The torture of John Meldrum postponed.

"The Lords continewes the tortouring of Johne Meldrum till a new occasioun."

James Grant, now prisoner in the Castle of Edinburgh, to be put in irons.

"The quhilk day ane warrand wes past to the captane, constable and keepers of the Castell of Edinburgh to keepe James Grant in yron checkells or otherwayes as they in thair discretioun sall thinke meit for the more sure and saulfe keeping of the said James." Sederunts, November 1629-January 1635. Fol. 55, a.

John Cruickshank and Isabel Cruickshank and the burning of Frendraught.

"The Lords ordains the provest and bailleis of Edinburgh to delyver John Cruikschanke to the Lord Gordoun to the intent he may carie him north to be confronted with Isabell Cruikschanke; and ordains the Lord Gordoun as he sall find caus to bring thame both backe and exhibite thame to the Counsell to be examined of suche things as sall be demanded of thame concerning the hous of Fendraucht."

Next Council day.

"The Lords appoints the nixt Counsell day to be upon the twentie of this instant."

Holyrood House, 2nd April 1631.

Letter of Council to the Laird of Lawers and others, encouraging them in their good work of reconciling the Drummonds of Drummanneroch and the Buchanans of Leny.

"After our verie heartilie commendatiouns. We have understood by your letter to the Lord Chanceller of the care and paines takin by yow for sattling of that late trouble whiche unhappilie fell out betuix the Drummonds of Drummanernoche and the Buchannans of Leny, how the parteis ar inclynned and upon quhat occasioun thair agreement hes beene letted, for whiche your painefull endeavoures we render yow our heartlie thankes. And becaus we would be sorie that ane worke so weele begun sould not in the end receave the wished effect we have thought good of new againe to recommend that mater to your prudencie and care and to intreate yow to travell betuix the parteis and to use your best credite and instance for composing of thair differences and mediating of ane heartie freindship and reconciliatioun amongs thame, and to report your proceidings and the successe thairof to the Counsell upoun the twentie of this instant. Quhairin resting assured that nothing will be wanting in yow that may conduce to the sattling of the bussines according Royal Letters 1623-38. Fol. 196, a.

Royal Letters, 1623-33. Fol. 196, a.

to the trust whiche we repose in yow, we committ yow to God. Frome Halyrudhous, the secund of Apryle, 1631. *Subscribitur*, Geo: Cancell., Gordoun, Air, Pa. B. of Rosse, Carnegie, Traquair, Arch. Achesoun, S^r^ Thomas Hope."

Fol. 196, b.

"Most sacred Soverane, This inclosed petitioun being exhibite to us be the relict and childrein of umquhill Archibald Prymeros, late Clerk of your Majesteis Taxatiouns, and we being humbelie intreated be thame to give notice thairof to your Majestie we could not in a mater so weele knowne to us refuise the same. For the said umquhill Archibald wes ane verie carefull and diligent servant, and by his long experience, panefull endeavours, and great charges brought that service to ane higher perfectioun nor ever it wes in anie preceeding tymes. He discovered manie pund lands now lyable to your Majesteis taxatiouns quhilks formerlie wer not heard of nor knowne, and by the rolls, records and papers quhilks he hes left behind him the secreits and mystereis of that service, quhilks wer obscure and knowne to few, ar now made cleere, to your Majesteis great profite. And thairfoir most submissivelie recommending thame and thair petitioun to your royall bountie and favourable consideratioun we pray God, etc. Halyrudhous, 2 Aprilis. *Subscribitur*, Dupline, Murrey, Wintoun, Perth, Galloway, Lauderdaill, Air, Pa. B. of Rosse, Melvill, Carnegie, Tracquair, Ar. Achesoun, S^r^ Thomas Hope."

Holyrood House, 2nd April [1631]. Letter to his Majesty anent the heirs of Archibald Primrose.

Acts January 1631-May 1632. Fol. 58, a.

Sederunt—Chancellor; Viscount Air; Bishop of Rosse; Carnegie; Tracquair; Archibald Achesone; Sir Thomas Hope.

Holyrood House, 4th April 1631.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be James Crichtoun of Fendraucht, makand mentioun that where it pleased the said Lords for the better tryell and discoverie of the persouns guiltie of that cruell murder and burning of the Lord Melgame, Rothemay and others within the supplicants hous and towre of Fendraucht to ordaine and appoint by twa severall acts that Johne Toshe, his servitour, and Johne Meldrum of Ridhill sould be putt to the tortour of the bootes, according whereunto the said Johne Toshe is alreadie tortured, and who, as the supplicant is informed, hes declared nothing induring his suffering that may argue the least suspicioun of guiltines in him of that execrable

Fol. 58, b.

fact. And whereas it now rests that according to the saids Lords thair ordinance the said Johne Meldrum sould lykewayes be putt to the tortour, whiche nevertheles hes beene hitherto shifted and delayed, the supplicant humbelie offers unto the saids Lords thair consideratioun how farre he is interested in his credite and the course of justice wronged by that forbearance, considering that there is no worldlie thing whairof the supplicant is more zealouslie carefull than to have that hiddin mysterie brought to a cleere light. And seing there is vehement and pregnant presumptiouns aganis the said Johne Meldrum that he is guiltie and accessorie to the said fact, who being now weake and infirme and in the conscience

Supplication by the Laird of Frendraught for the immediate putting to the torture of John Meldrum that he may give his evidence anent the burning of Frendraught.

of his guiltines apprehending the pane of the tortour and the shame and ignominie that will accompanie his death if he sall come to a confessioun of the truthe, it may justlie be feared that if his tortour be longer delayed, he may be drawin upoun the foresaids respects desperatlie to make away himselfe by poysoun or otherwayes; and all after meanes of discoverie being removed by his death the supplicant and his servants, who pleades innocent of the cryme, will be of new againe troubled and scandalized, and the imputatioun thairof will be cassin upon the supplicant by the power and malice of his enemeis, who, he wishes, wer als carefull to finde out the guiltie as they ar violentlie fordward to fasten the blame thairof upon him, and to make him debtour for the same, whairby they may have some pretext to keepe him in a perpetuall trouble to his utter wracke and undoing. And whereas the tortouring of Johne Toshe wes pressed with great vehemencie the course of justice now requires that the said Johne Meldrum sould lykewayes goe to the tortour, whiche being ministred unto him in that measure whiche Johne Toshe receaved it, the supplicant doubts not bot he will give a greater light than hitherto hes beene had in that unhappie bussines. Not that the supplicant craves this aganis him (as he protests to God) for anie cruell revenge or remembrance of the indigniteis and wrongs he hes done unto him; he is free of all suche side respects and is onelie led thairto out of a desire to heve the truthe cleered for releefe of the innocent and punishement of the guiltie. Humbelie desyring thairfoir the saids Lords that thay would be favourablie pleased presentlie to proceid to the tryell and tortouring of the said Johne Meldrum and not to deferre nor delay the same anie longer, otherwayes he heere protests and declares that if the said Johne Meldrum sall happin to be cutt off by death before he be putt to the tortour, that the said supplicant hes done his dewtie and diligence for the discoverie of the fact, and that the not tryell thairof be not impute unto him bot that he may be free of the same for ever; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they rypelie advised thairwith, the Lords of Secreit Counsell continewes the answering of that bill till the nixt Counsell day, and in the meanetyme ordains the said supplicant his protestatioun anent the not torturing of the said Johne Meldrum to be insert and registrat in the bookes of Privie Counsell *ad futuram rei memoriam.*"

Acta January 1631-May 1632. Fol. 58, b.

Fol. 59, a.

Commission for examination and exhibition of Isobel Cruickshank anent the burning of Frendraught.

"Forsameekle as Johne Cruikschanke, now prisouner within the tolbuith of Edinburgh, has depouned in presence of the Counsell that the night of the burning of the hous of Frendraucht Issobell Cruikschanke, ane cripple, being shearing with him upon a rig lait in the evening the said Issobell and he perceaved and saw Johne Meldrum upon horsebacke and Robert Ridfurde upon foote with a nomber of hors come ryding by thame in that part of the bounds of Tillimorgun that leades towards Frendraucht; for cleering the truthe of which depositioun the

Acts January 1631-May 1632. Fol. 59, a.

Lords of Secreit Counsell gives and grants warrand and commissioun to George, Lord Gordoun, and James, Lord Ogilvie, conjunctlie to pas, searche and inquyre for the said Issobell Cruikschanke and, being apprehendit, to try and examine her anent the truthe of the particulars abonewritten and of what she saw or knowes concerning the same, and that they make all other lawfull tryell and inquyrie that may conduce to the cleering of this bussines, and that they caus sett doun in writt the depositiouns to be taken in the said mater and report the same to the Counsell upon the twentie of this instant; as lykewayes that they bring and exhibite the said Issobell Cruikschanke before the saids Lords the day foresaid to the effect she may be re-examined and confronted with the said Johne Cruikschanke anent the truthe of the said depositioun; for doing whairof the extract of this act shall be unto the saids commissioners ane warrand."

Commission to William, Earl Marischal, and others to visit Frendraught and to inspect it with a view to discovering the origin of the fire at the said place.

"The Lords of Secreit Counsell gives and grants warrand and commissioun to Williame, Erle Mairshell, Patrik, Bishop of Abirdeene, Johne, Bishop of Murrey, James, Lord Ogilvie, David, Lord Carnegie, and Colonell Harie Bruce, or anie three of thame conjunctlie, to make thair addresse to the place of Fendraucht with convenient diligence and at suche tyme as they sall appoint, and there to sight and view the hous of Fendraucht, and to consider the frame and structure thairof, and how
Fol. 59, b. and by what meanes the fire wes raised within the same, and if the fire wes accidentall or done of sett purpose by the hand of man, and if there be anie possibilitie or probablitie that the fire could have been raised be anie persons without the hous; and that they report thair proceedings and what they sall find thairin formallie in writt under thair hands to the saids Lords upon the twentie day of this instant, for doing whairof the extract of these presents sall be unto the saids commissioners ane sufficient warrand."

Commission to the Lord Advocate and others to make inquiry regarding the death of the Laird of Samuelston.

"The Lords of Secreit Counsell ordains and commands his Majesteis Advocat, Justice Clerk and Justice Depute, to call before thame and examine all and sindrie persouns whome they sall find can give anie light or evidence tuicheing the death of the Laird of Samuelstoun and maner thairof, for doing whairof the extract of these presents sall be unto the said Advocat, Justice Clerk and Justice Depute ane sufficient warrand."

Royal Letters, 1623-33. Fol. 195, b.

Holyrood House, 4th April 1631. Letter to the Bishop of Aberdeen anent the commission of inquiry into the burning of Frendraught.

"After our verie heartilie commendatiouns to your good lordship. Whereas there is ane commissioun grantit to your lordship, the Erle of Mairshell, the Bishop of Murrey, the Lord Carnegie, and Colonell Bruce for surveying the hous of Fendraucht and tryell taking how and by what
Fol. 196, a. meanes the fyre could have beene raised within the same as the warrand direct thereanent more fullie proports, and seing Wednisday the 13 of this instant is appointed to the commissioners for thair meeting at the place of Fendraucht we thought good to certifie your lordship of the same and thairwithall earnestlie to requeist and desire your lordship to keepe

the said dyet preceislie and to concurre and joyne with the rest of the commissioners by your best advice and judgement for cleering the trew estait of that whiche heirby is recommendit to your care, and to report to the Counsell your proceidings thairin upon the twentie of this instant. Quhairin nothing doubting of your lordships willingnesse and care in a bussines so tender and important, we rest, committing your lordship to the protectioun of the Almightie God. Frome Halyrudhous, the fourt day of Aprile, 1631. *Subscribitur*, Geo: Cancell., Aire, Tracquaire, Arch. Achesoun, S^r^ Thomas Hope, S. G. Elphinstoun." Royal Letters, 1623-33. Fol. 196, a.

Holyrood House, 4th April 1631. Letter to the Earls of Morton and Menteith, members of the Committee for the Fishing.

"May it please your good lordships, Having receaved your Lordships letter of the 25 of Marche we entered into the consideratioun of the frithes, loches, bayes and yles fit to be reserved for the natives of this kingdome by your lordships treatie in the associatioun of the fishing; bot in regarde it seemed necessar to be informed by the coastside men of these parts quhair these fishings are quhairby we might make the expected report thairof, we have thought it expedient to delay answer untill the meeting of the Counsell appointed to be upoun the 20 day of this instant that in the meane tyme we may be weill informed by others who can best give notice unto us of suche places as ar fitt to be reserved. Thairfoir we hartilie pray your lordships to proceid in the treatie of the others particulars untill the said day. At that tyme, God willing, we sall write our faithfull opinions unto your lordships concerning the same as your lordships letter requireth us to doe. And so with our heartie thankes to your lordships for your kynde respect and care of his Majesteis ancient kingdome, we rest, etc. Halyrudhous, 4 Aprilis, 1631. *Subscribitur*, Geo: Cancell., Gordoun, Aire, Pa. B. of Rosse, Carnegie, Traquair, Arch. Achesoun, S. Thomas Hope." Fol. 196, b.

Holyrood House, 4th April 1631. Letter of Council to the States-General anent a Scottish ship which had been seized by certain persons of Dunkirk.

"Illustrissimi et amplissimi domini, amici nostri plurimum dilecti. Per libellum supplicem non ita pridem nobis exhibitum per Samuelem Wallace, Willielmum Weir, et Jacobum Weir, sacratissimi domini nostri Caroli Dei gratia Scotiæ, Angliæ, Hiberniæ et Franciæ regis, regni sui Scotiæ subditos, mercatorum nostrorum procuratores ac negotiorum gestores, intelleximus navem quandam ab ipsis et eorum sociis zytho onustam, vela facientem versus Veram in Zelandia, dicti regni Scotiæ in confederatis provinciis Belgii scopulum, a quibusdam Dunkirkensibus primo die Martii et post promulgatam pacem vi et dolo malo captam et vestro judicio et sententia (ut asseritur) fisco adjudicatam. Non miramur pauculum causam et tanti mali contra articulos pacis nefarie perpetrati rationem. Idcirco obnixe rogamus ut, debita examinatione præhabita, delinquentes secundum juris formam conseniatis, et tanti criminis ita redarguatis severe, et sine mora, ut dicta navis, cum mercimoniis et omni damno, quærentibus secundum juris et æquitatis regulas et fœderatorum principum amicitias et pacta fœdera restituatur. Id si feceritis gratiose et sine juris strepitu, nos tanti favoris gratos redibitores ad omnia mutui amoris et amicitiæ vincula paratissimos semper invenietis. Interea Fol. 197, a.

Royal Letters, 1623-33. Fol. 197, a. Deus Optimus Maximus vos diu incolumes sospitet et servet, nobis qui sumus, etc. Halyrudhous 4 *Aprilis* 1631. *Subscribitur*, Geo. Cancell., Gordoun, Air, Carnegie, Arch. Achesoun, S. G. Elphinstoun, Scottistarvet."

Acta January 1631-May 1632. Fol. 59, b. *Sederunt.*—Chancellor; Wintoun; Lauderdaill; Viscount of Air; Lord Gordoun; Bishop of Rosse; Lord Carnegie; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Holyrood House, 20th April 1631.

John, Bishop of the Isles, admitted a member of the Council.

"The whilk day the Lords of Privie Counsell, according to his Majesteis missive letter directed to the saids Lords and this day presented unto thame and read in thair audience, receaved and admitted Johne, Bishop of the Yles, to be one of the ordinarie nomber of the Privie Counsell and to injoy all the honnours, digniteis and priviledges proper unto that place; lykeas the said Bishop of the Yles being personallie present and acknowledging his Majesteis gratious favour showne unto him in advancing him to this honnour and dignitie, he with all dew reverence upon his knees, his hands lying on the halie evangell, gave his solemne oath of alledgeance and of a privie counsellour. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Being informed of
Fol. 60, a. the sufficiencie of our right trustie and weilbelovit Johne, Bishop of the Yles, and of his affectioun to our service, we ar moved in regarde thairof and for his better encouraging and enabling for our said service to advance and promove him to be one of our Privie Counsell of that our kingdome. Thairfoir our pleasure is and we doe heirby require yow that having administred unto him the oath accustomed in the lyke caises yow admit him to be one of our Privie Counsell, receaving him in that place as one of your nomber, for doing whairof these presents sall be unto yow ane sufficient warrand. We bid yow farewell. From our Court at Whitehall the 24 of Marche, 1631."

Monopoly for thirty-one years granted to Mr. Nathaniel Udward for his new process of manufacturing salt.

"The whilk day the patent and contract underwrittin wer read, past and subscryved in Counsell, of the quhilks the tennour follows:—CHARLES R. Our soverane Lord, out of his princelie and tender regarde to the honour, credite and reputatioun of his hienes ancient and native kingdome of Scotland, being gratiouslie disposed to give encouragement, further and advance all suche industries, workes and inventiouns as may bring within the same the practise of profitable and usefull workes not formerlie known thairin, and considering how necessar and convenient it is to have salt made within all his Majesteis kingdomes in suche plentie and perfyte goodnes, serviceable for all uses of his Majesteis subjects, as in short time all his Majesteis kingdomes may be perfytlie and plentifullie furnished with perfyte good salt made within the same without bringing anie from forraine parts; and

in regarde our servant, Nathaniel Udwart, at his great coast and charges hes first found out ane mysterie and inventioun for making of salt in suche plentie and perfect goodnesse that whereas heretofore one boll wes made at the saltpannes within his Majesteis said kingdom he now doeth undertake to make one half more to the behoove and profite of the salt maisters and that with als little fewell as formerlie the panmaisters did mak one boll of salt and of a more perfyte goodnes, and that the quantitie foresaid and proportioun whiche sall be made over and above one boll of salt sall be toward ane yeerelie benefite to his hienes, and the reward of his owne paines, charge and inventioun, and such as ar his partners and undertakers with him, conforme to the conditiouns and provisions conteaned in ane contract past betwix his Majestie, with consent of his Counsell, on the ane part, and the said M^r^ Nathaniel Udwart and Sir James Gallouay, knight, his college, on the other part, whiche is of the dait the twa and twentie day of Februarie ane thowsand sax hundreth and threttie yeeres, *stilo Anglicano*. Thairfoir his Majestie with advice and consent of the Lords of his Majesteis Privie Counsell of the said kingdome of Scotland ordains ane letter to be made under his Majesteis great seale in dew forme giving and granting, lykeas his Majestie by the tennour heirof with advice and consent foresaid gives and grants, to his hienes right trustie and weilbelovit counseller, Sir James Gallouay, knight, sole Maister of Requeists of the said kingdome, and to the said Nathaniel Udwart, Esquire, thair airis and assigneyes, partners, deputeis and factors, the sole and full power, libertie and licence by thamselffes and thair foresaids to make and caus to be made salt according to the said mysterie and inventioun found out be the said M^r^ Nathaniel Udwart for making of salt of the perfect goodnes and quantitie aforesaid, and to doe and performe all things necessarie and requisite for erecting and establishing of thair said new inventioun and mysterie, for and during the space of threttie one yeeres nixt and immediatlie following the dait heirof, with expresse command and charge to all his Majesteis lieges and others persons whatsoever that they nor nane of thame presoome nor take upon hand to make or erect ane suche salt pannes according to the inventioun found out be the said M^r^ Nathaniel or to make use of the said mysterie or to cast or bring anie salt pannes within the said kingdome of that fashioun and fabrick, or in anie sort to trouble and inquiet his hienes said trustie and weilbelovit counseller, Sir James Gallouay, and Nathaniel Uduart and thair foresaids during the space abonementiouned by anie maner of way in the free and sole use and exercise of the said mysterie and inventioun, discharging all his Majesteis subjects and others persouns abonementioned whatsoever during the said space to erect anie pannes of this sort and mysterie or having part of this new inventioun, whiche sall be tryed by the Lords of his Majesteis Privie Counsell if anie questioun sall happin to arise concerning the same, under the pane of con-

Acta January 1631-May 1632. Fol. 60, a.

Fol. 60, b.

Acta January 1631-May 1632. Fol. 60, b.

fiscatioun of the pannes and salt so made, the one halfe to his Majestie and the other halfe to his hienes said trustie counseller, Sir James Gallouay, and Nathaniel Udwart and thair foresaids, besides the just punishement they sall incurre in thair bodeis for the contempt of his Majesteis royall pleasure. Provided alwayes that his hienes said trustie counsellour, Sir James Gallouay, and Nathaniel Uduart and thair foresaids beginne the work and practise the same within two yeeres after the dait heirof and that they prosecute and follow furth the worke thereafter without suffering the same to rest or ceasse for two yeeres togidder, except a lawfull caus be alledgit and proved before the Lords

Fol. 61, a.

of his Majesteis Privie Counsell. Provided lykewayes that his hienes said trustie counseller, Sir James Gallouay, and Nathaniel Uduart and thair foresaids sall not refuse to impart thair said mysterie and pannes to anie of his Majesteis subjects of the said kingdome who sall be willing to use and exerce the said mysterie and inventioun, bot so as they first secure his hienes said trustie counseller, Sir James Gallouay, and Nathaniel Uduart and thair foresaids for his Majestie and thair owne use of the superplus of all the salt that sall be so made over and above the quantitie and one half more then they have beene in use to make heeretofore. Lykeas the said Sir James Gallouay and Nathaniel Uduart and thair foresaids sall be obliged to make compt, reckoning and payment to his Majesteis Thesaurar and Lords of his Majesteis Excheker of the halfe of the superplus of the said salt whiche sall be made by the user and practiser of the said new mysterie als weill by thameselffes as by others by thair licence, and als to make compt of the halfe of all suche salt and pannes whiche sall be confiscat and escheated frome whatsomever persouns contraveeners and users of the said mysterie without the advice and consent of the said Sir James Gallouay and Nathaniel Uduart, and that according to the tennour of the said contract past betuix his Majestie and thame thereanent. It is alwayes declared that notwithstanding of anie prohibitioun heerin conteanned it sall be lawfull to quhatsomever his Majesteis subjects and panmaisters to make salt ather in the forme alreadie used by thame or in anie other forme not having the forme and fabrick of the said new mysterie nor no part of the same: And that the said letter be extendit in the best forme with all clauses neidfull, with command therein to the Lords of his Majesteis Secreit Counsell and Sessioun to grant and direct letters and all other executioun neidfull upon the premisses as accords of the law. Givin at our Court at Whitehall the foresaid two and twentie day of Februarie one thowsand sax hundreth and threttie yeeres *stilo Anglicano. Sic subscribitur* Geo. Cancell., Wintoun; Lauderdaill; G. Gordoune; Aire; Pa. B. of Ross; John, Isles; Carnegie; Scottistarvet."

Letter from his Majesty granting the above monopoly.

"CHARLES R. At the Court at Whitehall the two and twentie day of Februarie, the yeere of God one thowsand sax hundreth and threttie yeeres *stilo Anglicano*, it is appointed, agreed and finallie contracted

betuix the most excellent, high and mighty prince, Charles, be the grace of God King of Great Britane, France and Ireland, Defender of the Faith, etc., with advice and consent of his Majesteis Privie Counsell of the kingdome of Scotland, on the one part, and his hienes trustie and weilbelovit counsellour, Sir James Gallouay, knight, sole Maister of Requeists in his Majesteis kingdome of Scotland, and Nathaniel Uduart of Leith in the realme of Scotland, Esquire, on the other part; that is to say—Forsameekle as his Majestie, considering how necessarie and profitable a thing it is to have salt made within all his Majesteis dominiouns in suche plentie and perfect goodnes serviceable for all uses as in a short tyme all his Majesteis kingdomes may be furnished with the same at home, whiche in tyme past hath beene brought frome forrane parts, and seing the saids undertakers have takin upon thame to make and sett up ane new fashioun of pannes and fornaces and others necessarie things for making of salt not formarlie seene or used within his Majesteis dominions in suche sort that whereas before ane boll of salt wes made at the usuall pannes within his hienes kingdomes they doe now undertake by this new inventioun to make one halfe more for the benefite and profite of the owners of the saids salt pannes, and what quantitie they sall make over and above that to come to his Majestie, and for thair owne paines, charges and inventioun, and this quantitie aforesaid to be made by thame with the same proportioun of fewell as formerlie they did make but one boll, and that the salt sall be of a more perfyte goodnes and serviceable for all uses than the salt usuallie made heeretofore within his Majesteis dominiouns; and lykewayes his Majestie out of his hienes princelie consideratioun forseing how painfull and difficult the first erecting and setting up of suche workes will be to the saids undertakers and what great charges they have beene and ar like to be putt to in commencing and accomplishing of so great a worke, and withall out of his hienes princelie and tender regard to the publict good of his kingdome desyrous to have the said worke furthwith begun and sett agoing, thairfoir his Majestie for the ease, helpe and encouragement of his trustie and weilbelovit counseller, Sir James Gallouay, and Nathaniel Uduart, thair airs, executors, assigneyes, partners, factors and servants, with advice and consent aforesaid, out of his hienes princelie goodnes and for other weightie considerationns moving him thereto, doeth bind and obleis himselfe, lykeas by these presents under his Majesteis hand and seale his hienes doeth promise for himselfe and his successours *in verbo principis* to performe and fulfill to the aforesaids undertakers and thair foresaids these conditiouns following, viz.—That the saids undertakers and thair foresaids sall in tyme comming injoy the whole benefite and priviledge conteanit in thair patent and that for and during the whole space of threttie one yeeres nixt and immediatlie following the dait heirof, and if anie thing sall be thought upon heerafter whiche may further and advance the said inventioun and

Acta January 1631-May 1632. Fol. 61, a.

Fol. 61, b.

Fol. 62, a.

Acta January 1631-May 1632. Fol. 62, a.

benefite thairof, the samine being so found by advice of his Majesteis Counsell, his Majestie doeth by these presents promise *in verbo principis* by his graunts, warrants and proclamatiouns frome tyme to tyme to strenthen and authorize the same. And seing the foresaid tryell of this new inventioun of making of salt is first of all to be tryed in his Majesteis said kingdome of Scotland, and forsameekle as for the present the foresaids undertakers have thair graunt onelie for making of salt within that kingdome, notwithstanding his hienes doeth promise by these presents *in verbo principis*, that they and thair foresaids sall upon ane tryell made, as is before mentiouned, have als ample graunt and patent for useing and exerceing the said inventioun of making of salt in the kingdomes of England and Ireland as they have grantit to thame in Scotland, togidder with all suche conditiouns ather thought upon or mentiouned alreadie in thair patent or whiche may be thought upon and heerafter found necessarie for the good proceeding of the said worke and profite to his Majestie, owners or undertakers aforesaid furth of the samine. Thairfoir his hienes trustie and weilbelovit counsellour, Sir James Gallouay, and Nathaniel Uduart binds and obliges thame and thair foresaids, conjunctlie and severallie, at the sight of his Majesteis Counsell of the said kingdome of Scotland, sufficientlie to secure for his Majesteis use ather in specie or pryce the first moyetie of all the excrescence of salt whiche sall be made at anie salt panns within the said kingdome by vertew of this new inventioun during the tyme aforesaid (the owners of the said salt panns and thair foresaids full proportioun of salt as is before mentiouned being first trewlie deducted). And it is heereby expresselie provided for releefe and discharge of the saids undertakers that if anie maisters of the saids salt panns sall chance to breake or refuse to the saids undertakers anie suche proportioun as sall happin to be dew to his Majestie in tyme comming, as is aforesaid, furth of the saids pannes, that then and in that caise the saids undertakers and thair foresaids sall be discharged of the said rent to his Majestie *pro tanto* by giving in the bands of the parteis obliged to his Majesteis Exchecker whairby his hienes owne officers at his Majesteis proper coast and charges may recover the debt. And lastlie his Majestie doeth *in verbo principis* for himselfe and his airis and successours promise to alter and renew these presents to the saids undertakers and thair foresaids in the most sure and ample formes as sall be found requisite for thair further securitie concerning his Majesteis part and his hienes performing of the premises, keeping alwayes the substance heirof, and to ratify and confirme this present contract and all clauses, articles and conditiouns thairin conteanit in his Majesteis high court of Parliament nixt to be haldin within the said kingdome, for the whiche these presents sall be sufficient warrand to the Lords of Articles of the said Parliament to that effect. And for the more securitie his Majestie and the saids undertakers ar content and consents that thir presents be insert and registrat in the

Fol. 62, b.

Bookes of Counsell and Sessioun of the said kingdome to have the strenth of ane Act and decreit of the Lords thairof, with all needfull 'executioun to follow heirupoun in forme as effeirs, and to that effect constituts and ilk ane of thame, conjunctlie and severallie, thair lawfull procurators, *promitteñ de rata etc.* In witnes quhairof his Majestie hes sealed and superscryved, and the saids undertakers have subscryved thir presents with thair hands day, moneth, yeere and place abonewrittin, before thir witnesses, James, Marqueis of Hamilton; and George Kirk, one of his Majesteis bedchamber. *Sic subscribitur*, James Gallouay; Na. Vduart; Hamilton, witnes; George Kirke, witnes; Geo. Cancell; Wintoun; Lauderdaill; Gordoun; Aire; Pa. B. of Rosse; Carnegie; Scottistarvet." Acta January 1631-May 1632. Fol. 62, b.

Report of the Commissioners appointed to examine the house of Frendraught in connection with the burning of the same.

"The whilk day the report underwittin subscryved be the commissioners appointed for visitatioun of the hous of Fendraucht wes produced in Counsell, of the whiche the tennour followes:—At Fendraucht the threttene day of Aprile, the yeere of God j^m^vj^c^ and threttie ane yeeres, we undersubscryvers for obedience of ane ordinance and warrand givin be the Lords of his Majesteis most honourable Privie Counsell made our addresse to the hous of Fendraucht and considderit the frame and structure thairof for tryell how and be what meanes the fire wes raised within the same and whither the fire wes accidentall or done of sett purpose be the hand of man, and if there be anie possibilitie or probabilitie that the fire could have beene raised be anie persoun without the hous; and having sighted and examined the samine with one voice and consent resolves as followes:—We finde be all likliehood that the fire whairby the hous wes brunt wes first raised in ane vault whairin we find evidenceis of fire in three sindrie parts, one at the farthest end thairof, another towards the middes, and the thrid on that gavell whiche is hard by the hole that is under the bed whiche wes in the chamber abone. Your good lordships will excuse us if we determine not concerning the fire whether it wes accidentall or of sett purpose by the hand of man, onelie this muche it seemeth probable unto us after consideratioun of the frame of the hous and uther circumstances that no hand without could have raised the fire without aide frome within. In witnes whairof we have subscryved thir presents with our hands. Pa. Aberdene; Jo. B. of Moray; J. L. Ogilvy; Carnegy; Henry Brus. Quhiche report being read in the presence and hearing of his Majesteis Counsell, the Lords ordains the same to be registrat and ane extract thairof givin to the parteis whome it doeth concerne." Fol. 63, a.

Anent the cautioners for certain of the Johnstones who were fugitives from the law.

"The quhilk day Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, protested that the paines incurred be the cautioners for the Johnestouns, fugitive frome thair tryell appointed to have beene at Lanerk, be not modified; quhairupoun the Lords ordanis the cautioners to be summound to heare and see thame decerned to have incurred the saids panes and accordinglie to make payment of the same."

Acts January 1631-May 1632. Fol. 63, a.

"The quhilk day the Laird of Fendraucht undertooke to exhibite Thomas Jose. Thomas Jose the first Counsell day of Junij."

"Forsameekle as there hes beene manie good Acts of Parliament made be our soverane lords royall progenitours of worthie memorie aganis the girnelling and keeping of victuall to a dearth, by the quhilks acts it is statute, declared and ordained that the buyers and keepers of victuall to a dearth sall be punished as ockerers, and that victuall sould not be keeped up bot brought to the mercat and sauld to the lieges, under the pane of confiscatioun of the same, as in the saids acts at lenth is conteanit; notwithstanding whereof the Lords of Secreit Counsell ar informed that the present dearth and appearance of skarsetie of victuall within this kingdome proceeds not frome the trew want and skarsetie of victuall, whairof it is weill knowne the countrie is universallie plentifullie furnished, bot frome the avaricious doing partlie of the awners of victuall and partlie of merchants and victuall traders, who having made fore-
Fol. 63, b. blockes of victuall keepes up thair victuall in girnellis to ane dearth and refuises to bring the same to mercat or to sell the same to the lieges, so that this dearth whairwith the countrie is threatened is artificiallie fostered and interteanned be the persouns foresaids aganis all good order, policie and governement and to the great hurt and prejudice of the commoun weale. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging officiars of armes to pas and make publicatioun of the saids acts be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places neidfull, quhairthrow nane pretend ignorance of the same; and to command and charge all and sindrie persouns, awners and havers of victuall and who keepes the same up in girnellis or sellers, that they caus opin thair saids girnellis and sell out thair victuall to the lieges at reasonable and competent pryces, and that they send reasonable proportiouns of thair said victuall to the mercats most ewest to thame everie mercat day and there sell the same in opin mercat, and that all persouns who hes anie stacks not as yitt cassin in that they cast in and threshe out thair stackes and sell thair victuall, as said is, under the paines conteanit in the saids Acts of Parliament; quhilks panes sall be severelie execute upon the contraveeners without favour; and to command and charge all shireffs and stewarts and others his Majesteis judges, officiars and magistrats, everie ane of thame within thair awne bounds, to have a speciall care that this act and ordinance receave dew effect and executioun within thair saids bounds, and for this effect that they cause all girnellis be opened, stackes cassin in, the victuall presented to the mercat and sauld to the lieges, as the saids shireffs, judges and magistrats will answer to his Majestie and his Counsell upon the dewtifull executioun of thair office."

Proclamation against the storing of victual, to which the present dearth is ascribed.

"Forsameekle as it is understand to the Lords of Secreit Counsell that upon occasion of the burning of the hous of Fendraucht and of the cruell and deplorable death of the Lord Melgame, the Laird of Rothemay

Act for the protection of the Laird of Frendraught's tenants.

aud others being thairintill for the tyme, ane nomber of brokin Heiland- Acta January 1631-May 1632.
men and others disorderlie persouns, being readie to take hold of and Fol. 63, b.
embrace anie cullourable pretext for a cover to thair theevish and
unhappie trade of lyfe they have (induring the dependance of the tryell
how and be whome the said fire wes raised) made severall incursiouns
upon the Laird of Fendraucht his lands and possessiouns, takin sindrie
heirships furth of the same and committed diverse others insolent op-
pressiouns upon his poore and harmlesse tennents, through occasion Fol. 64, a.
whairof they ar so terrified and awed that they are lyke to quyte thair
rowmes and leave the said Laird of Fendraucht his lands waist, to his
irreparable losse, wracke and overthrow. Whiche being a mater of a
most dangerous preparative and exemple and whiche in the consequence
thairof (if it be not tymouslie prevented) may import the peace and
quyetnes of that part of the countrie, and whereas lykewayes it con-
cernes his Majestie in justice to forsee and provide for the indemnitie of
his peaceable and lawbyding subjects, thairfoir the saids Lords ordains
letters to be direct charging heraulds, pursevants and messengers of
armes to pas to the mercat croces of the heid burrowes of the shiref-
domes of Aberdeene, Innernes, Bamf, Narne, Elgine and Forres, and
others places neidfull and there be opin proclamatioun and by sound of
trumpet to command and charge the shireffs of the saids shirefdomes and
thair deputs and all and sindrie noblemen, barons and freehalders
within the saids shirefdomes that upon hearing of the cry or upon notice
to be givin unto thame of anie heirship or depredatioun to be lifted or
committed within the said Laird of Fendraucht his bounds and passing
through thair lands, they and everie ane of thame within thair awne
bounds and jurisdictioun readilie rise, concurre, fortifie and assist the said
Laird of Fendraucht his saids tennents in the persute, following and
recoverie of the saids goods and apprehending the persouns takers thairof
and presenting thame to justice; and that they contribute thair best care,
diligence and helpe for securing the said Laird of Fendraucht his tennents
and servants and protecting thame frome suche lawlesse outrages and
oppressiouns in tyme comming, as the saids shireffs and others respective
foresaids will answer upon the contrarie at thair highest charge and perrell."

[Sederunt as recorded above.]

Holyrood House, 20th April 1631.

Complaint by Dame Annabella Erskine against her husband, Sir John Buchanan of that Ilk, for not paying her the aliment decreed by the Council.

Decreta, March 1631-April 1632. Fol. 189, b.

Complaint by Dame Annabell Areskine, spous to Sir John Buchannan of that Ilk, as follows:—On 27th October last her said husband was denounced rebel at her instance for not paying to her the sum of 2000 merks yearly which the Lords of Counsell and Sessioun ordained Fol. 190, a. him to pay to her for her aliment while he was out of the country; but of this horning he takes no heed. He goes about at his pleasure, at times "reteiring himselfe farre in the Hielands and inclosing him selfe within ane yle where none can have accesse to him." The pursuer com-

Decreta, March 1631-April 1632. Fol. 190, a.

pearing by Mr. Johne Rollock, Commissary of Dumblane, her procurator, and the defender not compearing, the Lords ordain him to be charged to enter into ward within the Castle of Blacknesse, and to render his houses upon pain of forfeiture.

Fol. 190, b.

Complaint by Alexander Cochrane of that Ilk against John Knox of Ranfurlie, whom he accuses of destroying a discharge for the sum of 22,000 merks.

Complaint by Alexander Cochrane of that Ilk, as follows:—The complainer undertook to relieve John Knox of Ramferlie at the hands of his creditors of the sum of 22,000 merks, and Knox gave the complainer a discharge duly signed. This discharge was in the complainer's possession on 2nd April instant, when John Knox earnestly desired inspection of it. The complainer, esteeming Knox a gentleman of good credit, and looking for no unworthy action from him, produced the discharge, whereupon Knox violently snatched it out of his hand, tore it in pieces, and so destroyed it, intending thereby to bring the complainer under the danger of paying the 22,000 merks. Pursuer appearing, but not the defender, and certain witnesses having been examined, the Lords find the defender guilty as libelled, and so of having committed a very great offence, for which they ordain him to enter in ward within the tolbooth of Edinburgh until order be taken with him, and if he fail to do so, he is to be put to the horn and escheat.

Sederunts, November 1629-January 1635. Fol. 55, b.

Holyrood House, 20th April 1631. John Cruikshank to be scourged and his cheek burned.

"The quhilk day ane warrand wes past to the provest and bailleis of Edinburgh to caus scourge Johne Cruikschanke and burne him in the cheeke for his perjurie before the Counsell."

Acta January 1631-May 1632. Fol. 64, a.

[*Sederunt ut die prædicto.*]

Holyrood House, 21st April 1631. Captain Peter Rollock.

"The whilk day Captane Peter Rollock compeirand personallie before the Lords of Privie Counsell actit and obleist himselffe to compeir personallie before the saids Lords the nixt Counsell day under the paines conteanit in his former act."

Decreta, March 1631-April 1632. Fol. 191, a.

Holyrood House, 22nd April 1631.

[*Sederunt ut die prædicto.*]

Complaint by Andrew White, keeper of the Tolbooth, against the Laird of Frendraught.

Complaint by Andrew Quhyte, keeper of the tolbooth of Edinburgh, as follows:—On 8th February last Johne Cruickschanke was warded in the said tolbooth by the Laird of Fendraucht and maintained by him there weekly until April instant, but the said Laird will not pay the supplicant's jailor fee, which amounts to £12 14s. Pursuer and defender both appearing personally and having been heard the Lords ordain the Laird of Fendraucht to pay the said jailor fee of £14 12s. [sic].

Royal Letters, 1583-33. Fol. 198, b.

Greenwich, 5th May 1631. Letter from his Majesty requiring that the sheriff courts of

CHARLES R., Right trustie and right welbeloved cousin and counsellour, right trustie and veelbeloved cousines and counsellours, and right trustie and weelbeloved counsellours, we greet yow well. Wheras ane humble complent hath bene made unto us in behalf of diverse our subjectis within the shirefdome of Forfarr that notwithstanding of tua severall

Forfarshire should be held at the burgh of Forfar. See *ante*, p. 195.

decreetes given by yow for the shireff of Forfarr his holding courtis at our brugh of Forfarr and for the shireff clerk his residing there as the most commodious pairt of the shire for that purpose, it being seated (as we ar informed) about the midle therof, and the place anciently accompted for holding of the shireff courtis, yitt the present shireff doth hold his courtis at Dundie which (as we ar lykwise informed) is seated in a corner of that shire, wherby our subjectis who must attend at those courtis doe suffer great hurt, contrarie to our royall intentioun; seeing yow have proceeding [sic] so farre as to pronunce your decree herein and that we have not hard frome yow nor other wayes any reasone why it sould not have bene obeyed we will not that any of our subjectis contemne or neglect that authoritie yow have from us, our speciall pleasure is that yow take a course that the said shireff and all otheris bearing the lyke charge heirefter hald thair courtis at the said brugh of Forfarr according to your saids decrees and the ancient custome and liberties granted (as we ar informed) to the head brughis of every shire. Se we bid yow heartlie fairweell. From our manour of Greenwitch the fyft day of May, 1631. Royal Letters, 1628-33. Fol. 198, b.

Holyrood House, 2nd June 1631.

Sederunt.—Chancellor; S^{t} Andrewes; Privy Seal; Wintoun; Bugcleuche; Air; Tracquair; Bishop of the Isles; Secretary; Advocate; Sir John Scot. Acta January 1631-May 1632 Fol. 64, a.

Letter from his Majesty to the Council consenting that the terms of the Court of Session be not changed till the next meeting of the Estates. See *ante*, p. 178.

"The whilk day in presence of the Lords of Counsell compeired personallie Alexander Clerk, provest, with the bailleis and some of the Counsell of the burgh of Edinburgh and gave in the missive letter underwrittin, signed be the Kings Majestie and directed unto the saids Lords, quhilk missive being opened and read in the saids Lords audience, after that the saids provest, bailleis and counsell were removed, and the saids Lords humbelie acquiescing to his Majesteis gratious will and directioun mentiouned and conteanned in the said letter, they thairfoir have ordained and ordains the said letter to be insert and registrat in the bookes of Privie Counsell and to have the force and effect of ane act of Counsell, of the quhilk missive the tennour followes: —CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. We wer pleased of lait to write unto yow that nothing be changed tuicheing the sitting of our Colledge of Justice till our further pleasure wer signified therein; but having now takin into our princelie consideratioun that though some materiall grounds might be proposed for altering thairof, yitt we would doe it so consideratelie and by suche advice as so grave a mater and of suche consequence doeth require. Therefore our pleasure is that yow give speciall order that no innovation be made therein till a Parliament or generall conventioun of our Estats be called by us, wherein amongs other things concerning the publict good that purpose may be resolved Fol. 64, b.

Acta January 1631-May 1632. Fol. 64, b.

upon and ordered as by thame sall be found most expedient. So we bid yow farewell. Frome our mannour of Greenewiche the 6 of May 1631."

Warrant to Lord Reay for the levy of 2000 men for service under the King of Sweden.

"The Lords of Secreit Counsell according to ane warrand in writt signed by the King's Majestie and this day presented to the saids Lords hes givin and grantit, and be the tennour heirof gives and grants, full power and commissioun to Donald, Lord of Rae, to levey and take up twa thowsand men within this kingdome out of all suche persons within the same as he sall find willing to goe with him, and to transport the same over seas for assisting his Majesteis darrest brother, the King of Sweden, he alwayes giving satisfactioun to everie one of the said nomber as sall be agreed upon betuix him and thame according to the custome in the lyke caises; with power to the said Lord of Rae to caws towke drummes, displey cullours, and to appoint officiars and commanders over the said twa thowsand men for the better conduct and governement of

Fol. 65, a.

thame, and all things necessar heeranent to doe and use quhilks in suche caises ar usuall: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin: Commanding heirby all judges, officiars and magistrats to burgh and land to assist the said Lord of Rae, his captans, officiars and commanders in all and everie thing quhilk may forder the leveying and transporting the nomber of men foresaid. And if any person or persons who sall receave their pay and inroll thameselffes under thair charge sall happin thairafter to withdraw thameselffes fra thair service that in that caise the said judges doe justice heerin to the said Lord, his captans, officiars and commanders as accords. Follows his Majesteis missive for warrand of the act abone-writtin.—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Having beene moved by our right trustie and weilbelovit, the Lord of Rae, in name of the King of Sweden, for transporting some forces frome that our kingdome for his better supplee in the warres whairin he, at this tyme, is ingadged, our pleasure is that yow grant unto the said Lord or unto anie other whome he sall appoint a commissioun with ane sufficient warrant to levey and transport two thowsand men for the purpose abone-said, with als large priviledges as anie generall, colonell or commander hath had heeretofore in the lyke kynde, he alwayes giving satisfactioun to everie one of the said nomber as sall be agreed upon betuix him and thame according to the custome in the lyke caises. For doing whairof these presents sall be unto yow ane sufficient warrand. So we bid yow fareweill. From our mannour at Greenewiche the fyfth day of May 1631."

Charge to James Mouat and Patrick Abernethy to appear before

"Forsameekle as James Mouat, lait shireff clerk of Berwick, and Patrik Abirnethie, his servant for the tyme, being callit and conveenned before the Lords of Privie Counsell in the moneth of Januar 1630 for

the Council anent the depositions made by Alexander Hamilton against Dame Helen Arnot, spouse of Sir George Home of Manderston.

wrytting of four depositions made be umquhill Alexander Hamiltoun aganis Dame Helene Arnot, spous to Sir George Home of Manderstoun, knight, and the said James and Patrik Abirnethie being particularlie examined and demanded anent the saids depositions and be whome and upon what occasioun they wer writtin, and there being great contrarieties betuix thame in thair depositions, the one, to wit, James Mouat, denying the wrytting thairof and laying the blame thairof upon Abirnethie, and he constantlie avowing in the said James Mouats presence that he wes the writter of the saids depositions from Hamiltons mouth, in end the said James Mouat after manie denyalls and asseverations upon oath that he wes not the writter of these depositions, bot that the said Patrik Abirnethie, his servant, wes the writter of the same, he come to a free and cleere confessioun that the saids depositions wer written be himselfe, none being present bot he and Hamilton. And whereas ane mater of this importance requires ane forder tryell and examinatioun for the forder discoverie of the truthe thairof, cleering the innocent and punishing of the nocent, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids James Mouat and Patrik Abirnethie to compeir personallie before the saids Lords upon the day of to be forder examined anent the truthe, forme, maner and circumstances of the mater foresaid, and to underly suche order as sall be takin thereanent, under the pane of rebellioun, with certificatioun, etc." Acta January 1631-May 1632. Fol. 65, a. Fol. 65, b.

Thomas Jose and the burning of Frendraught.

"The whilk day Thomas Jose, compeirand personallie before the Lords of Privie Counsell, actit and obleist himselfe to compeir whenever he sall be lawfullie charged upon fyftene dayes warning and answere upon his guiltines of burning of the hous of Fendraucht, under the pane of fyve hundreth merkes, besides all perrell and danger that otherwayes he may incurre by absenting of himselfe."

Trial of John Meldrum and James Grant anent the burning of Frendraught to be postponed.

"The Lords of Secreit Counsell upon good and considerable respects moving thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputs, to prorogat and continew the criminall dyet appointed for the tryell of John Meldrum and James Grant anent the burning of the hous of Fendracht and cruell murder of the Lord Melgame, Laird of Rothemay and others being within the same for the tyme, untill the fyftene day of Julij nixtocome. And the saids Lords ordains the dyet appointed to the remanent persons before his Majesteis Justice tuicheing the mater foresaid to desert."

Master of Requests admitted member of Council.

"The whilk day the act and letter underwrittin tuicheing the admissioun of Sir James Gallouay, knight, Maister of Requeists to his Majestie for the kingdome of Scotland, to be one of his Majesteis Privie Counsell of the said kingdome, being presented and exhibite to the Lords of Privie Counsell and read in thair audience, they ordained and ordains the said act and letter to be insert and registrat in the bookes of Privie Fol. 66, a.

Acta January 1631-May 1632. Fol. 66, a.

Counsell and hes interponed and interpons thair auctoritie, of the whilk the tennour followes:—

> At his Majesteis Court at Whitehall in England the seventh day of Marche, the yeere of God j^{m}vj^{c} and threttie one yeeres, according to the computation of the kingdome of Scotland.

The whiche day by vertew of a commissioun frome the Privie Counsell of the said kingdome of Scotland unto the right honnourable, William, Erle of Morton, Lord Thesaurar; William, Erle of Monteith, Lord President of the said Counsell; Robert, Erle of Roxburgh; and Sir Williame Alexander, knight, his Majesteis principall Secretarie for the said kingdome, or to anie one of thame with the said Sir William Alexander, commissioners appointed by the said Counsell for admitting of Sir James Gallouay, knight, Maister of Requeists to his Majestie for the said kingdome, to be one of his Majesteis Privie Counsell thairof, of the dait at Halyroodhous the twentie day of Januarie in this instant yeere of God foresaid, compeared the said Sir James in presence of the said Thesaurar, President, Erle of Roxburgh and Sir William Alexander and there the said Sir James, having exhibited unto him the sacred bible, they, the saids commissioners, did in a solemne maner minister unto him the two severall oathes of alledgeance and of a privie counsellour accustomed to be takin in the lyke caises, and, after the said Sir James had by his oath acknowledged and promised to be a faithfull subject and servant to his Majestie according to the tenure of the saids oaths of alledgeance and of a privie counsellour, he wes by them admitted to be one of the nomber of the said Privie Counsell. Whereupon the said Sir William required me, James Philp, notar publict at Court, to draw this act or note. In witnes whairof the saids commissioners and the said James Philp, writter heirof, have heirunto sett our hands. *Sic subscribitur*, Morton, Monteith, Roxburgh, W. Alexander."

Decreta, March 1631-April 1632. Fol. 191, b.

[Sederunt as recorded above.]

Holyrood House, 2nd June 1631. Supplication by Thomas Kirkpatrick of Closeburn and his son for protection that they may satisfy their remaining creditor.

Supplication by Thomas Kirkpatrik, elder of Closburne, and Thomas Kirkpatrik, apparent thereof, his son, as follows:—From their Lordships' recent warrant to them for disponing of their lands to satisfy Bryce Sempill, the said Bryce has found very good effects, as he has now received full satisfaction; and if their Lordships would now grant them a new warrant to enable them to deal with some persons of quality for selling or wadsetting such a portion of their estate as would satisfy the claims of Robert Charters of Kelwod, their other creditor, which cannot well be overtaken before Martinmas next, they hope that no one shall have cause to complain of their honest intention, and that their Lordships shall be no more troubled with them. The Lords grant them their protection until 12th November next.

Supplication by Captain Thomas Home for protection to his brother, who is necessary to the supplicant in order to satisfy his creditors.

Supplication by Captain Thomas Home as follows:—During his long absence from the country his affairs have altogether miscarried, and he is now come home to settle them and then to return to his service. His brother, Mr. Johne Home of Swanscheill, is alone able to clear the intricacies of his affairs and must act as factor for the supplicant in his absence, but he is disabled by some civil hornings from coming to Edinburgh. That his voyage may not prove ineffectual he craves that their Lordships would grant their protection to his said brother for a time. The Lords grant him this until 30th June next. Decreta, March 1631-April 1632. Fol. 192, a

Protection to John Tennent of Carnes.

Supplication by John Tennent of Carnes, as follows:—He has a great desire to relieve himself of the burden of debt under which he lies by selling as much of his land as will effect this, but he must come to Edinburgh for the advice of lawyers and advocates in the matter. This he cannot do without their Lordships' protection. The Lords grant this as craved until 30th June. Fol. 192, b.

Protection to Craigie Wallace.

"The protectioun grantit in Marche last to Cragie Wallace and his cautioners continewed untill the last of Junij instant."

Protection to Blebo.

"The protectioun grantit to Blebo continued to the last of this month."

Complaint by Thomas, Earl of Haddington, against Thomas Stewart in Earlston and others for cutting down and carrying off trees on lands of the complainer.

Complaint by Thomas, Earl of Haddintoun, Lord Privie Seal, as follows:—In violation of the laws against the cutting and destroying of green wood, policy and planting, Thomas Stewart in Ersiltoun, and George Lindsey and Walter Scheill there, on December last, went to the said Earl's wood of Sorrolesfeild, and the said Thomas cut three ash trees and six great oak trees and carried them away upon three horses and an ox; at the same time James Thomesoun in Ersiltoun cut twelve oaks and birches and took them home to Ersiltoun; on 12th January last James Purves in Ersiltoun cut in the said wood twelve oaks and birches and carried them to Ersiltoun, and at the same time William and Andrew Purves in Ersiltoun cut a great tree and carried it away with them; further, on 7th April last, the said Thomas Stewart, accompanied with the said Walter Scheill and David Burnet in Ersiltoun, cut five great oak trees and carried them away from the said wood; and on 13th April, James Adinstoun in Ersiltoun cut and took away thence two great ash and "allar" (elder) trees. Moreover, the said persons with Mark Home, son of the late Laird of Coldingknowes, John Fisher in Sorrolesfeild, John Kyle called Bastard, and Thomas Purves called Quhytepeill, between the months of December and April last inclusive, cut down great numbers of ash, birch, oak, and elder trees, and disposed of them at their pleasure. Charge having been given to the said Mark Home, Thomas Stewart, Walter Scheill, James Thomesoun and Thomas Purves, and the pursuer compearing personally but none of the defenders, after the examination of several witnesses the Lords find the defenders guilty as libelled and ordain them to enter, within six days after being charged, into ward in the tolbooth of Edinburgh, and there remain until they be lawfully freed. Fol. 193, a.

Decreta, March 1631-April 1632. Fol. 193, b.

Complaint by Robert Goddie, merchant burgess of Edinburgh, as follows:—He has been long kept in ward in the tolbooth of Edinburgh by Mr. William Kellie, Writer to the Signet, for not paying him the sum of 1000 merks of principal and the interest thereof, in terms of a bond granted by John Lowrie, merchant, as principal, and the complainer as cautioner. The bond is more than thirty years old, and the complainer is informed that the said Mr. William Kellie has received payment of it; and that, notwithstanding, he has raised inhibition against the principal party, of whom he has full security of his lands. It is therefore out of mere malice that he so treats the complainer, who is a poor aged man of fourscore years, and like to starve in ward. Charge having been given to the said Mr. William Kellie and John Rind, one of the bailies of Edinburgh, and both pursuer and defender compearing, and Kellie agreeing to liberate the pursuer, the Lords ordain the provost and bailies of Edinburgh to put him to liberty, so far at least as he is warded at the defender's instance.

Complaint by Robert Goddie, merchant burgess of Edinburgh, against Mr. William Kellie, Writer to the Signet, for illegal warding.

Fol. 194, a.

Complaint by Mr. George Black, minister at Dunscoir, as follows:—John Moffat in Craiginputtock, a person excommunicated for disobedience to the Kirk, has for several years past behaved himself very insolently and disgracefully towards the complainer, his pastor, for no other cause than the faithful discharge of his calling. On , when the complainer was baptising a child at the kirk of Dunscore, the said John, accompanied by Harbert Hannay, his tenant, came into the kirk, "and whill the minister wes in the verie actioun of celebrating the sacrament of baptisme he tooke the lawer aff its proper place in the pulpit, and to the contempt of that holie actioun despitefullie slang the lawer with the water being in the same in the midds of the kirk." Further, he and his said tenant continually break down the churchyard walls and feed their cattle and sheep within the same, defiling and abusing the churchyard with the dung of their bestial as if it were a fold or byre. Charge having been given to the said Herbert Hannay as party, and to Thomas Greir and John Lindsey in Lagane and John and Thomas Smith in Kiroy, as witnesses, and the pursuer compearing, but not the defender nor the witnesses, the Lords ordain them to be put to the horn and escheat.

Complaint by Mr. George Black, minister at Dunscore, against John Moffat, and Herbert Hannay, servant to the said John, for insolent behaviour.

Fol. 194, b.

Complaint by Peter Sinclare in Quhytkirk as follows:—On 27th May last, in passing the wood of Presminen, he saw some cut horse-wands, and asked William Arnot and William Knowis, "fosters of the said wod," for liberty to take them away. This, with the consent of Hew Carmichael, chamberlain to James Livingstoun, owner of the woods, they gave. But, as he was coming out of the highway with the said chamberlain, William Dicksoun in Beill, accompanied by Alexander Cromie, Robert Fairbrand, Robert Grim, servitor to the said Alexander, and Robert Cromie, to the number of thirty persons, invaded and pursued him for his life, "ragged him aff his hors," wounded him in several places to the effusion of blood, took from him his sword and whinger, his purse with

Complaint by Peter Sinclair in Whitekirk against William Dickson and others for assault.

fifty dollars therein, a ring worth 500 merks, 15s. sterling and other small money, which they still detain. Charge having been given to the persons above complained upon, and the pursuer and all of them save Robert Grim compearing, the case was referred for proof to the deposition of witnesses. These failing to substantiate any part of the complaint the Lords assoilzie the defenders, but ordain them to deliver to the pursuer his sword and whinger which they did in presence of their Lordships. Decreta, March 1631-April 1632. Fol. 194, b.

Counter-complaint by William Dicksoun in Biel and James Livingston, his master, against Peter Sinclair for assault.

Counter-complaint by William Dicksoun in Beill, and James Livingstoun of Beill, his master, for his interest, as follows:—In violation of the laws against cutting and destroying of green wood, etc., on 25th April last Peter Sinclare in Quhytkirk, accompanied by two footmen, came to the said James Livingstoun's woods of Presminen, and destroyed and carried away a great number of growing trees. In doing so they were accidentally met at Kempshill by the pursuer and others of the complainer's servants, who modestly inquired of them why they thus violated his Majesty's laws. Upon this Peter Sinclare drew his sword and made several strokes at the said William Dicksoun, wounding him on the hand to the effusion of his blood. On the 27th of the same month Andrew Home, brother-in-law of the said Peter, came to the barnyards of Beill, purposely to take some dishonourable advantage of the said William, and threatened to take his life. And on 7th May last the said Peter and Andrew came to Hadintoun, where a public market was being kept that day, and eagerly sought for the complainer's tenants there to have taken their lives. Further, in contempt of the complainer, they cause their friends in the Merce to come riding through his lands and wood foresaid, so as to terrify his tenants and force them to lay his lands waste. William Dicksoun and Peter Sinclare compearing, and the matter being referred to the probation of witnesses, the Lords find that the said Peter Sinclare took away the wands foresaid from the pursuer's wood, and drew a sword and struck at the said William Dicksoun therewith, and for this insolence they ordain him to be committed to ward until he be relieved. They also ordain him to pay two merks to each of the witnesses. Andrew Home, who was also cited but failed to appear, they ordain to be put to the horn and escheat. Fol. 195, a. Fol. 195, b.

Complaint by David Finlayson, baker in Leith, and his wife against Cristall Johnstone, skipper, for assault.

Complaint by David Finlasoun, baker in Leith, and Margaret Stevinsoun, his wife, as follows:—On April last they were passing the house of Cristall Johnestoun, skipper in Leith, when, without any cause, the said Cristall came to them and after upbraiding them with "contumelious and disgracefull speeches," pursued the said David with a drawn dirk, struck at him several times therewith, and when his wife stepped in between them "he gave the honest woman ane cruell wound with the durke on the hand whairwith he almost cutted aff her thoumbe." The pursuers compearing but not the defender, the Lords ordain him to be denounced his Majesty's rebel and escheat. Fol. 196, a.

Decreta, March 1631-April 1632. Fol. 196, a.

Complaint by Sir David Livingstone of Dunipace against Alexander Mure of Skaithmure for illegally seizing his teinds on the lands of Skaithmure.

Complaint by Sir David Livingstoun of Donypace, knight baronet, as follows:—He has been in peaceable possession of the teinds of the lands of Skaithmure for several years past, and the tenants thereof having made lawful requisition to him under form of instrument to collect and lead his teinds, as his other urgent affairs hindered him from doing so at the time, he allowed the tenants themselves to lead them on the condition, to which they willingly agreed, that each of them should preserve his own portion thereof safely till the complainer gave direction about the same. The tenants accordingly led the teinds to their barnyard of Skaithmure after that William Mowat, George Groser and Thomas Duncan, the complainer's servants and teind-masters, had delivered the same to them. Nevertheless, Alexander Mure of Skaithmure, being informed of this, resolved by bangsterie and oppression to seize the said teinds, and accordingly on September last he assembled some forty or fifty persons,

Fol. 196, b.

among whom were William Seller, burgess of Linlithgow, James Mure there, Charles Seller in Stanehous, Sir John Hamiltoun of Grange, James and George Hamilton, his sons, Mr. Alexander Hamiltoun, brother to the said Sir John, and Alexander Hamiltoun, his son, who on horse and foot, armed with lances, jacks, steelbonnets and other weapons, came in warlike manner under silence of night to the said barnyards of Skaithmure, and "kuist the compleaners whole teinds, tred the same with thair hors feit, destroyed the most part thairof and the small remanent they caried away with thame." This was the account the complainers teindmasters foresaid received from the tenants when, on 26th September last they went to carry away the said teinds and found nothing. Charge having been given to the persons above complained upon, and all compearing with the pursuer except the said Alexander Mure (who for this cause is ordained to be put to the horn and escheat), the Lords, after hearing parties, remit to the judge ordinary the trial of the civil rights of parties to the teinds in question, and reserve to themselves the punishment of the wrong done after the discussing of the civil right.

Sederunts, November 1630-January 1635. Fol. 55, b.

Holyrood House, 2nd June 1631. Anent the torture of John Meldrum.

"A missive frome his Majestie tuicheing the tortouring of Johnne Meldrum, the resolutioun whereof continewit till the 23 of this instant, quhairof intimatioun wes maid to the goodeman of Buckie in name of the Marquis of Huntlie."

Fol. 56, a.

Case of incest.

"The whilk day M^r Williame Edmestoun and M^r William Justice, brethrene of the presbyterie of Striviling, declairit that the Laird of Skemoore had bene procest for incest with tua sisteris upoun whome childrene wes procreat, and for whilk he had gevin band to satisfie the Churche."

Royal Letters, 1628-33. Fol. 199, b.

Greenwich, 5th June 1631. Letter from his Majesty to the Council anent the levy of

CHARLES R., Right trustie and right welbeloved cowsin and counsellour, right trustie and welbeloved cousins and counsellours, and right trustie and welbeloved counsellours, we greet yow well. Whereas we have bene pleased to grant warrantis to our right trustie and right welbeloved

soldiers by the Marquis of Hamilton. See *ante*, p. 193.

cousin and counsellour, the Marquise of Hamiltoun, etc., for leveying and transporting some regimentis for the service of our brother, the King of Suedon, and being very desirous that yow wold use your best meanes for this effect by any lawfull and convenient furtherance that yow can devyce for there quick dispatch, or that shalbe propounded to yow by the Colonells of the saids regimentis for waughting them saiflie over frome thence, oure pleasure is that with all diligence yow caus provyde shipps at such reasonable rates as yow or commissioners from yow to this effect can best agree upone or as the custome hath bene in the like cases for transporting of the saids forces; quhich seriouslie recommending to your care as a purpose which we do cheefly respect, and wherein not doubting bot that yow will use your best and most readiest indeavours, we bid yow farwell. From our manour att Greenwitch the tuentie fyve day of June, 1631. Royal Letters, 1623-33. Fol. 199, b. Fol. 200, a.

Holyrood House, 7th June 1631.

Sederunt.—Chancellor; Privy Seal; Bugcleuche; Air; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Decreta, March 1631-April 1632. Fol. 197, a.

Complaint by William Mitchelhill, burgess of Selkirk, against William Currour and others for assault.

Complaint by William Mitchelhill, burgess of Selkirk, as follows:—On 1st April last William Currour, Bessie Saidler, his wife, John Dunlop, Robert and William Ker, David Broun and James Wod, younger, all in Lundene, armed with swords, staves and great kents, came to the King's Medowes within the territory of Selkirk and assaulted the complainer and pursued him for his life, "gave him bauche, blae and bloodie straikes in diverse parts of his bodie with thair rungs and stones, speciallie hurt him with ane rung upon the hand to the great effusioun of his blood, chaist him with great stones to Selkirk, where for saulfetie of his lyfe he wes forced to take his hous on his head, quhairupon they kuist in great stones at the windowes and doores and thairwith hurt and woundit the compleaner and Margaret Mitchelhill, his daughter." The pursuer compearing and of the defenders the said William Currour, Robert Ker, John Dunlop, David Broun, and James Wod, and probation being referred to the evidence of witnesses, who failed to substantiate the complaint, the Lords assoilzie the defenders.

Counter-complaint by William Currour against William Mitchelhill, whom he accuses of stealing a nag belonging to the complainer and also for assault.

Counter-complaint by William Currour in Lundene and Bessie Saidler, his wife, as follows:—On 5th April last William Mitchelhill in Selkirk "violentlie reft ane naig" belonging to the complainer from the lands of Lundene, and the complainer, to know the reason, followed him to the lands of Gatts. When Mitchelhill saw him, he directed one of those who were with him to run away with the nag, "and he himselfe fiercelie sett upon the honest man, gave him manie bauche and blae straikes in diverse parts of his bodie, speciallie ane great strake on the foreheid with ane forke whairwith he felde him to the ground, brake the forke upon him and with ane splent Fol. 197, b.

Decreta, March 1631-April 1632. Fol. 197, b.

thairof wounded him on the brow to the effusioun of his blood, and left him lying as deid upon the ground." Both pursuers and defender compearing, and they and several witnesses being heard, the Lords find that the said William Mitchelhill struck the said William Currour with a fork and fine him £10, to be paid to the said William Currour, and further ordain him to pay 40s to each of the witnesses.

Fol. 198, a.

Complaint by Robert Grant, coach-harness maker in the Canongate, and his wife, Mary Cook, against Gabriel Blair for stealing a box and for assault.

Complaint by Robert Grant, coach harnesser in the Cannogait, and Marie Cooke, his wife, as follows:—On 31st May last Gabriel Blair in the Cannogait came to their dwelling-house there, and putting violent hands upon the said Marie, threw her to the ground and struck her on the body "manie bauche and blae straikes." He also took away "ane kist" from the said dwelling-house containing money, writs, clothing and other things, valued at over £400. This the said Gabriel did after he had, by William Blair, messenger, poinded the complainers' house for a sum of £7 alleged to be due by him to Janet Galbraith, his mother, for the rent of the said house, notwithstanding that the complainer had a discharge thereof, which he would not permit the said Marie to look out and show him. Further, he complains that in the lease by the said Janet Galbraith to the complainer of the said house, and which the said Gabriel keeps on behalf of his mother, he has inserted £22 of yearly duty with expenses and registration, nothing of which is contained in the lease delivered to the complainer, and so the said Gabriel, being both writer and notary thereto, has deceived the complainer, a poor ignorant man, who can neither read nor write. Both pursuers and defender compearing, and they and witnesses being heard, the Lords

Fol. 198, b.

find that the said Gabriel Blair illegally took away the "kist" foresaid without a lawful form of poinding, committing thereby "ane great insolence of ane evill and wicked exemple," and ordain him to replace it and all its contents, until the arrestment made thereupon by Robert Grant be orderly loosed; but they assoilzie him from the charge of hurting and wounding Marie Cooke, as the same was not substantiated by the evidence.

Fol. 200, a.

Complaint by James Baillie of Park against his wife, Katharine Hamilton, whom he accuses of illegally keeping him in the Tolbooth on the ground that he has not paid the aliment to her which was decreed by the Council.

Complaint by James Baillie of Park, as follows:—He has been long detained in ward in the tolbooth of Edinburgh for not fulfilling a decreet obtained from their Lordships against him by his wife, Katharine Hamiltoun, to secure her in the just half of his lands of Parke, Achintiber and Corsbasket, for her aliment during their not cohabiting together, and the aliment of her three daughters, and for payment of 1000 merks of debt. Now, the truth is that whenever he was charged in terms of the said decreet he made offer to his said wife of the half of his said estate, to be paid to her as follows:—By John Miller, tenant and occupier of a part of the lands of Auchentibber and Parke, fifteen bolls of victual (being eleven bolls of meal and four of) and six fowls; by that part of the lands possessed by the complainer himself eight bolls of meal and two-and-a-half bolls of beir; by James Hender-

soun, for the lands of Achintibber occupied by him, ten-and-a-half bolls of meal, two bolls of beir and four fowls; by James Dick, two bolls of meal and four fowls; by that part of the lands of Corsbasket sometime occupied by Mr. James Lindsey, and presently by the complainer himself, twenty bolls of meal, six bolls of beir and ten fowls; by Andrew Riddell, £24; by John Arbuckle, three bolls of beir and 53s. 4d. money, and by John Wilkie in Corsbasket, a boll of oats; reserving to the complainer the dwelling-house and yards of Corsbasket; and of these he has signed a perfect assignation and disposition to his said wife, which he will produce. Moreover, the said Katharine is presently in possession of the half of his estate, and yet at the instigation of her friends she intends to utterly undo him by still keeping him under the foresaid horning, so that his escheat and liferent may fall into the hands of Lord Blantyre, his superior. Parties compearing and having been heard, the Lords ordain their first decreit to stand in force in all points, "and for this effect decerns and ordains the said defender [sic] to make, seale, subscryve and delyver to the said persewer [sic] ane sufficient reall right be chartour and seasing with sufficient claus of warrandice of her said halfe of his estait and living designed to her be the said decreit of divisioun, and to consigne in the hands of the Clerk of Counsell the haill evidents and writts of his lands, teinds and living upon inventar to remane in the Clerkes hands for the furder warrand and securitie of the said defendar in the peaceable possessioun of her said designed and modified living." Further, the pursuer for the further security of the defender therein becomes acted under a penalty of 2000 merks that he will not molest her, nor her tenants or servants, and will appear before their Lordships whenever charged and answer to any complaint against him by his said spouse. With reference to the burden of eleven bolls of victual pertaining in liferent to John Lindsey in Blantyre and appointed to be paid out of the lands of Corsbasket, the Lords ordain that each of the parties shall pay the equal half thereof during the lifetime of the said John Lyndsey.

Decreta, March 1631-April 1632. Fol. 200, a.

Fol. 200, b.

Fol. 201, a.

Protection to Sir William Douglas of Cashogill that he may satisfy his creditors.

Supplication by Sir William Douglas of Cashogill, as follows:—He earnestly desires to free himself of the burden of debt under which he lies, and will gladly sell or wadset so much of his lands as will satisfy his creditors, but cannot come to Edinburgh to consult with lawyers without their Lordships' protection, which accordingly he craves. This their Lordships grant till 1st August next.

Fol. 201, b.

Similar protection.

"The lyke protectioun grantit to Sir David Livingstoun of Donypace, Johne Livingstoun and David Barclay of Maders, his cautioner, for selling thair lands, till the first of August nixtocome."

Similar protection.

"Another protectioun for the lyke caus grantit to James Kennedie of Blairquhan and Josias Stewart of Ravinstoun untill the said first day of August nixt."

Decreta, March 1631-April 1632. Fol. 201, b.

Supplication by John Littill, servitor to the Earl of Nithisdaill, as follows:—He has found caution to appear before his Majesty's Justice in the tolbooth of Edinburgh on June instant, to underlie the law for his alleged burning of the house of Mr. David Leitche, minister at Rerick, and for clearing himself of that unjust charge, but on account of some civil horning he dare not come without their Lordships' protection. This, therefore, he craves, and the Lords grant it to him for four days before and other four days after his trial. Similar protection.

Sederunts, November 1629-January 1635. Fol. 56, a.

"The Lordis ordains the Laird of Frendraught to be warnit to Thurisday nixt anent the three men send heir be the Lord Gordoun and who ar challengeit for airt and pairt of the heirshippis and depredationis committed upon Frendraught." Holyrood House, 7th June 1631. The Laird of Frendraught.

"Ane Act to be past ordaning the Justice to continew the putting of Johnne Ker to the knoulege of ane assise for the slaughter of umquhill Johnne Chalmer till the xx° of this instant, induring whilk tyme ordanis Johnne Ker to be committit to warde." Postponement of trial of John Ker for slaughter of John Chalmer.

"The Lordis ordanis the provest and baillies of Edinburgh, the baillies of Mussilburgh and the justiceis of peace within the shirefdomis of Edinburgh, Haddingtoun and Beruick, to be warnit anent the overtour maid for mending of the heigh wayes betuix Edinburgh and Beruick." Anent the mending of the highways between Edinburgh and Berwick.

"Chargeis aganis James Mouatt and Abirnethie his man."

Acta January 1631-May 1632. Fol. 65, a.

Sederunt—Chancellor; St. Andrewes; Privy Seal; Bugcleuche; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Iles; Clerk of Register: Advocate; Sir Johne Scot. Holyrood House, 9th June 1631.

"Forsameekle as Johne Cruikschanke, who was latelie scourged through the burgh of Edinburgh and burnt in the cheeke for perjurie, in his returning home to the north he thifteouslie staw sax sheepe and foure lambes, and being tane with the fang and putt to his tryell he wes convict of the said cryme and doome and sentence of death pronunced aganis him, bot upon some considerations and new depositions made be him concerning the burning of the hous of Fendraucht his executioun wes delayed, and he wes sent over heere to his Majesteis Counsell to be examined of new. And whereas he stands convict of the said cryme of thift and under the sentence of death pronunced aganis him, thairfoir the Lords of Secreit Counsell ordains and commands the bailleis of the Cannogait, in whois warde the said Johne now remaines, to carie him frome thair tolbuith and delyver him to the provest and bailleis of Edinburgh, whome the saids Lords commands to take the said Johne frome the saids bailleis of the Cannogait and to committ him to thair warde, and that day or upon the morne thereafter, to caus take him to thair place of executioun upon the Castelhill and there to caus hang him till he be dead; anent the doing of the quhilks premisses the Act for the execution of John Cruikshank.

Fol. 65, b.

extract of this Act sall be unto the provest and bailleis of Edinburgh and bailleis of the Cannogate ane warrand." Acta January 1631-May 1632. Fol. 65, b.

Declaration by the above John Cruikshank anent the burning of Frendraught.

"The whilk day Johne Cruikschanke being exhibite before the Counsell be Mr James Lautie, advocat, in name of the Lord Gordoun, and he being demandit what he knowes concerning the burning of the hous of Fendraucht, deponis he knowes nothing thairof. Demandit anent the depositioun made be him at the place of Huntlie upon the tent of May last in presence of the ministers of Gartlie and Kinor anent James Clerk in Pennieburne his seduceing and persuading of him to report everie where that Pitcaple, Johne Meldrum, and others thair followers, wer burners of the hous of Fendraucht and anent the others particulars sett doun in that deposition, the said Johne being humbled on his knees and deeplie sworne thereanent depouned that James Clerk never spake with him anent that mater, and that the depositioun foresaid made be him wes false, and that he onelie made the same upon feare; and denyes lykewayes upon oath that Lesmore dealt with him at anie tyme concerning the depositions made be him aganis Pitcaple, Johne Meldrum, Richard Mouat and others.

Report anent the religion of Patrick Gordon of Kincraigie and others.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Bishop of Murrey, and Mr Thomas Mitchell, commissioner for the ministers within the diocie of Aberdein, and reported to the saids Lords that Patrik Gordoun of Kincragie, James Gordoun of Letterfoure, and Alexander Irwing had satisfied the Kirk in points concerning thair religioun, and that they wer relaxt fra the sentence of excommunicatioun used agains thame for that caus."

Margaret Wood and other women in the diocese of Aberdeen to be denounced for resetting Papists.

"Anent our soverane Lords letters direct, makand mentioun,— Fol. 66, a. Forsameekle as the persons underwrittin, they ar to say, Magdalene Wod, spous to Johne Leslie of Kincragie, Jonnet Wod, spous to Johne Gordoun of Bountie, Marjorie Malcolme, spous to Mathow Alexander in Turreff, Issobell Strauchane, spous to Johne Spence in Bruntstane, and Jonnet Ogilvie, spous to Johne Gordoun at the Mylne of Ruthven, ar not onelie profest and avowed papists and excommunicat be the orders of the Kirk for that caus bot with that they ar denunced rebellis and contemptuouslie lyes at the horne unrelaxt, and to the forder contempt of law and justice and of the orders and discipline of the Kirk they ar commoun resetters, hoorders and interteanners of Jesuits and messe preists and of traffiquing papists, heares messe of thame, and otherwayes lives after ane most scandalous and offensive maner, and by thair ill exemple encourages others to show the lyke resett, supplee and confort to the saids Jesuits, preists and traffiquing papists; lykeas be the lawes of this kingdome the husbands aucht to be answerable for thair wifes and sould make thame answerable and obedient to law and justice: And anent the charge givin to the saids Magdalene and Jonnet Wods, Marjorie Malcolme, Issobell Strauchane and Jonnet Ogilvie, to have compeired personallie, and to Johne Gordoun of Bountie, Mathow

Acta January 1631-May 1632. Fol. 66, a.

Alexander, Johne Spence and Johne Leslie of Kincragie and Johne Gordoun at the Mylne of Rathven, thair husbands, to have brought and exhibite thame before the Lords of Privie Counsell this present nynt day of Junij instant, to the effect order might be tane with thame for thair excommunicatioun and rebellioun as accords, under the pane of rebellioun and putting of the saids whole persons to the horne, with certificatioun, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof: Quhilks being callit and M^r^ Thomas Mitchell, person of Turreff, commissioner for the diocie of Aberdein, compeirand personallie; and the saids defenders being oft tymes callit and not compeirand, the Lords of Secreit Counsell have ordained and ordains letters to be direct charging officiars of armes to pas and denunce thame our soverane lords rebellis, and putt thame to the horne and to escheit."

Decree against William Fraser of Craigton and other Papists, as also against their cautioners.

"Anent our soverane lords letters raised at the instance of Sir Thomas Hope of Craighall, knight barronet, Advocat to our soverane lord, for his Majesteis interesse, makand mentioun, that where upon the twentie, twentie twa and twentie sevin dayes of Julij last William Fraser of Craigtoun, Alexander Irwing of Bellie, in name of Issobell Irwing, his spouse, Alexander Leslie in Gowall, excommunicat rebellis, and George, Lord Gordoun, compeirand personallie before the Lords of Privie Counsell in name of the goodwife of Letterfoure, actit, band and obleist thame that betuix and the fyftene day of September last the saids Williame Fraser of Craigtoun, Alexander Leslie in Gowall, and the goodwife of Letterfoure, and the said Issobell Irwing after her recoverie of hir childebirth, and everie ane of thame, sould conforme thameselffes to the religioun presentlie professed and be law established within this kingdome, and failyeing thairof that betuix and the said day they sould depart and pas furth of his Majesteis dominiouns and not returne againe within the same without his Majesteis licence had and obteanned to that effect under the pane of fyve hundreth punds and perpetuall imprisonment, beside the forfeyture of the modificatioun allowed unto thame out of thair livings; and that in the meane tyme they sould not ressett Jesuits, seminarie nor messe preists nor heare messe under the said pane of fyve hundreth punds, as the particular acts made to this effect insert and registrat in the bookes of Privie Counsell at lenth beiris. Notwithstanding whairof, and that the termes abonewrittin be now of a long tyme bygane, yitt they, mocking the course of justice, doe still abide within the countrie obstinatlie professing thair erroneous opinions and exercising thameselffes in thair idolatrous services to the offence of God and scandall of the Kirk; quhairthrow they have violat and contraveenned the saids acts and not observed nor keeped the same conforme to the tennour thairof; and thairfoir the saids excommunicat rebellis, and the said Alexander Irwing as undertaker for his said spous, and the said Lord Gordoun as undertaker for the said goodwife of Letterfoure,

Fol. 66, b.

aucht to be decerned to have incurred and to incurre the panes conteanit thairin, and letters and executorialls aucht to be direct aganis thame for payment thairof in forme as effeirs. And anent the charge givin to the said Williame Fraser of Craigtoun, Alexander Leslie in Gouell, Alexander Irwing in name of his said spous, and George, Lord Gordoun, as undertaker for the said goodwife of Letterfoure, to have compeired personallie before the Lords of Privie Counsell this present day to have heard and seen it verified and provin as accords of the law, found, and declared that they and everie ane of thame have violat and contraveened thair saids acts and not observed and keeped the same, conforme to the tennour thairof, and thairfoir to have heard and seene thame and everie ane of thame decerned and ordained to have incurred and to incurre the panes conteanit in thair saids acts and letters and executorialls to be direct aganis thame for payment thairof, in forme as effeiris, with certificatioun to thame and they failyied the saids Lords would find, declare, decerne and ordane in maner foresaid, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof; quhilks being callit, and the saids Sir Thomas Hope, his Majesteis Advocat, compeirand personallie with M^r^ Thomas Mitchell, commissioner for the diocie of Aberdein, be whome it wes alledgit that the saids excommunicat rebellis had nather conformed nor departed the kingdome conforme to the saids acts, and the saids defenders being ofttymes callit and not compeirand, the Lords of Secreit Counsell finds and declaires that the saids defendants and everie ane of thame hes violat and contraveenned thair saids acts and not observed nor keeped the same conforme to the tennour thairof and thairfoir decernes thame to have incurred and to incurre the panes conteanit thairin, and ordains letters to be direct aganis thame and everie ane of thame for payment thairof in forme as effeiris."

Acta January 1631-May 1632. Fol. 66, b.

Fol. 47, a.

[Sederunt as recorded above.]

Holyrood House, 9th June 1631.

Complaint by Robert Paterson and James Paterson in Auchlyne against Robert Smith and others for assault.

Decreta, March 1631-April 1632. Fol. 202, a.

Complaint by Robert Patersoun in Auchlyne and James Patersoun, his son, as follows:—On 25th December last Robert Smith at the Mill of Leslie, Patrick and Andrew Smith in Auchlyne, his brothers, James Smith there, and Patrik Gib and Edward Thomesoun, servitors to the said Patrick Smith, lay in wait for the complainers between their dwelling-house and the kirk of Clatt for the purpose of taking their lives. As the complainers were going to the kirk to hear the sermon these persons fiercely set upon them and having first disarmed the said James by taking from him his sword and whinger, they set upon his said father, a man past three score fifteen years of age, and cruelly "woundit the honest aged man with rungs, dang him deid to the ground thairwith and so damneist, birsed and bruised him with bauche and blae straikes as he hes ever sensyne lyne bedfast in great pane and

Decreta, March 1631-April 1632. Fol. 202, a.

dollour and extreme perrell of his lyfe." They also wounded the said James with their swords upon the head, left hand, elbow and other parts of his body, to the great effusion of his blood and peril of his life.

Fol. 202, b.

Charge having been given to the persons complained upon, and James Patersoun compearing for himself and his father, and Robert Smith compearing for himself and in name of the other defenders; and parties having been heard, the Lords find that the case has already been tried before the sheriff of and his deputes, and that the said Robert Smith was convicted of "hurting and blooding" of the said James Patersoun, and fined £50 therefor, which went to the said sheriff and his deputes; but inasmuch as there was no satisfaction given to the pursuers, the Lords ordain Robert Smith and the other defenders to pay to them 100 merks before 10th July next. Failing punctual payment, they ordain the said Robert Smith for himself and in name of the other defenders to pay them £100 precisely at Lammas next. They further ordain both parties to find caution in £100 for each other's indemnity; and the defenders to deliver up to the pursuers their weapons.

Complaint by Mr. Roger Mowat, advocate, against John Carruthers of Holmends for contempt of horning.

Complaint by M^r^ Roger Mowat, advocate, as follows:—On 13th August, 1622, John Carruthers of Holmends, was put to the horn at the instance of John Fluiker, burgess of Edinburgh, for non-payment of 500 merks of principal, with interest thereof and expenses, and 50

Fol. 203, a.

merks, contained in two bonds made thereupon, which bonds Fluiker assigned to the complainer; but Carruthers pays no heed to the said horning. The pursuer compearing by Andrew Ritchie, his servant, but Carruthers, though cited as defender, not compearing, the Lords ordain letters of caption to be issued to the Steward of Annerdaill and his deputes against him.

Complaint by William Trotter in Blackburnerig against Uchtrid M'Dougall for wounding him with shot from a hagbut.

Fol. 203, b.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and William Trotter in Blaikburnerig, the party grieved, as follows:—In contravention of the laws against wearing of hagbuts and pistols on 17th May last, while the said William was attending his business beside the ground of Blaikburnerig, alone and unarmed, Uthrid M'Dougall of Mondurke came riding upon horseback towards him with a hagbut in his hand, accompanied by Adam and Alexander Paxtoun, his servants, who were armed with swords. When he came near, Mondurke lighted off his horse, "bendit his hacquebutt and presented it to the compleaners face intending to have shott him throw the head, bot he having started aside, he shott him throw the thigh," in which he left five and twenty drops of lead, and caused great effusion of his blood. He further gave the complainer a great many strokes with a drawn sword in several

Fol. 204, a.

part of his body and would have slain him if some persons had not seasonably come to his relief. The pursuer compearing personally but none of the defenders, the Lords ordain the latter to be denounced and escheat.

The Earl of Angus and Patrick Dickson.

Supplication by Patrick Dicksoun, servitor to the Earl of Angus, as follows:—Their Lordships put the said Earl under caution in 5000

merks to exhibit the supplicant before them within fifteen days after Whitsunday, so that he might either give satisfaction to the Kirk with regard to his religion, or quit the said Earl's service. Since that time the supplicant "hes beene ane verie frequent hearer of the word and hes conference at sindrie tymes with the minister of Douglas and others of the presbyterie of Lanerk for his resolutioun in some doubts and scruples of his religioun, quhairin he hes receaved satisfactioun in some points and hopes by forder conference to come to forder resolutioun; and the ministers of the presbyterie of Lanark ar reasonablie weill satisfied with him." He therefore craves that their Lordships will continue the term for his exhibition till next Martinmas. The Lords do so until Michaelmas next. Decreta, March 1631-April 1632. Fol. 204, a.

Holyrood House, 9th June 1631. Francis Douglas, brother of the Earl of Angus.

"The Lords ordanis letters to be direct chargeing Frances Douglas, brother to the Earle of Angus, to compeir personallie upon the day of to ansuer anent taking of the house of Caddell." Sederunts, November 1629-January 1635. Fol. 56, b.

Obligation by Thomas Gordon in Corridoun to appear before the Council.

"The quhilk day Thomas Gordoun in Corridoun actit himself to compeir personalie befoir the Counsell upoun Twisday nixt under the pane of tua thousand merkis, and he designit James Gordoun, writter, his house, to be his ludgeing house."

John Cruikshank.

"The Lordis ordanis Johnne Cruikshank to be putt to ane assise upon Mononday nixt, and requestis the Bishop of Dunblane, M^r Andro Ramsay, M^r Williame Struthers and M^r James Houme, ministeris, or ony one of thame to confer with him as they sall haif occasioun befoir his deathe for the better preparing of him towards his deathe." Fol. 57, a.

Case of child murder.

"Ane commissioun ordanit to be past to the baillies of Kirkaldie, Sir George Hamiltoun of Blackburne, the Laird of Finmouth, and James Boisuall of Balgonie, or ony tua of thame for putting of Margaret Broun to ane assize for murdouring of hir awne bairne."

The excommunicated rebels in the North.

"Ane Act ordaning the chargeis bestouit upoun the prosequutioun of his Majesteis lawis aganis the excommunicat rebellis in the north to be payed out of the first and reddiest of thair fynes."

Greenwich, 9th June 1631. Letter from his Majesty anent the proposal to erect lights on the Skairheads.

"CHARLES R. Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, and trustie and welbeloved counsellours, we greet yow well. Wheras we have bene moved upone the inclosed petition for giveing way to erect lightis upone the Skareheadis as a purpose expedient for preventing of shipwrakis thereaboutis, wherein respecting the good and saiftie of our subjectis we ar hereby pleased to remit the consideratioune of the petitione unto yow, that haveing perused the same and hearkened to what cane be further proponed to yow touching that purpose yow may resolve if there be any expediencie for erecting of those lightis and of the meanes and wayes to keep the same, and if yow find it necessarie and a willingnese of such of our subjectis (as ar most interested therin) to pay such a dutie to the same as yow and they can best condiscend upoun, that a patent be drawen up from our signature here or to pas our cachett Royal Letters, 1623-33. Fol. 199, a. Fol. 199, b.

Royal Letters, 1623-33. Fol. 199, b.

there, as yow shall think fitt for the petitioner, and that for suche number of yearis for suche a duetie to be imposed according to the shipps burdene and such other limitationes and provisiones as yow shall think fitt to prescrive for the guid of our kingdome and saiftie of our subjectis. So we bid yow fairwell. From our Court at Greenwitch the nynth day of June 1631."

Fol. 200, a.

"CHARLES R. Right trustie and right welbeloved cusin and counsellour, right trustie and welbeloved cousins and counsellours, and right trustie and welbeloved counsellours, and trustie and welbeloved counsellours, we greet yow well. We being moved upone the inclosed petitioun bearing a motion for keeping cleane the River of Forth were the rather pleased to hearken thairunto in respect the petitioner desireth to proceed no further in that purpose then what salbe thocht necessary by persones knowing how necessary it is to put the samyn in practise or yow shall think meet to prescrive, oure pleasuir is that yow considder of the petition, and if yow find what is thereby demanded fitt to be granted, that yow without the petitioners further troubling of us authorise him and his partneris to proceed therin for such tyme and efter such maner and provisionis as yow shall think most expedient for the encrease and guid of trade within that river, he haveing such fitt allowance for performance thereof as yow in your judgementis shall think requesite. Which recommending to your care, we bid yow fairwell. From our Court at Whitehall the nynth day of June 1630."

Whitehall, 9th June 1631. Letter from his Majesty anent the keeping clean of the River Forth.

Fol. 200, b.

Acta January 1631-May 1632. Fol. 67, a.

Sederunt—Privy Seal; Wintoun; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Iles; Secretary; Advocate; Justice Clerk; Scottistarvett.

Holyrood House, 14th June 1631.

"Forsameekle as thir foure yeeres bygane the commissioners of the kirks within the dioceis of Aberdein and Murrey hes beene forced to attend before the Lords of Secreit Counsell at diverse tymes yeerelie the saids yeeres for prosecuting his Majesteis lawes aganis the Papists, jesuits, seminarie and messe preists within the bounds of the said dioceis, lykeas all acts and charges of horning, treasoun, captioun and others of the lyke nature direct aganis the saids jesuits and papists hes beene used and execute upon the charges and expenses of the bishops and ministers of the kirks within the said dioceis, for the quhilk they wer forced to make yeerelie collections for defraying of the saids expenses and mainteaning of thair commissioners during thair attendance before the Counsell; and the saids Lords finding it no wayes agreable to equitie nor justice that in the publict service concerning the trew religioun and consequentlie the haill bodie of the Estait that the charges and expenses thairof sould be layed upon the clergie within the saids bounds, who, besides the saids charges alreadie bestowed hes lykewayes spent thair tyme and beene

The Commissioners against Papists in Aberdeen and Moray to be paid out of the fines imposed on the said Papists.

withdrawin frome thair kirks in attending his Majesteis Counsell for the prosecutioun of that business, thairfoir the saids Lords ordains the commissioners for the dioceis of Aberdein and Murrey to give in a perfyte and trew note to his Majesteis Thesaurar and Deputie Thesaurar of the haill charges and expenses that hes beene bestowed in this service and quhilks they ar to bestow on the present dispatches whilks they have frome the saids Lords, and ordains his Majesteis Thesaurar and Deputie Thesaurar to make payment to the said clergie of the saids charges and expenses out of the first and readiest of the fynes and penalties alreadie decerned or to be decerned aganis anie persons within the said dioceis for maters concerning the religioun and others things depending thairupon, anent the payment whairof the extract of this act sall be unto the saids Thesaurar and Deputie Thesaurar ane warrand." Acts January 1631-May 1632. Fol. 67, a.

Obligation by Thomas Gordon of Letterfourie, Papist, to confer with his ordinary pastor.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Thomas Gordoun, brother of James Gordoun of Letterfoure, and actit and obleist himselfe to enter in conference with his ordinarie pastour betuix and the beginning of the nixt moneth of Julij, and that he sall continew and heare conference twise in the weeke, if he be required, for the space of sax weekes; and if during that tyme he cannot be moved to repaire to the kirk for hearing of the Word that than he sall compeir personallie before the Lords of his Majesteis Privie Counsell upon the first Counsell day of November nixtocome for receaving of thair furder will and pleasure concerning him; and that in the meanetyme he sall carie himselfe soberlie and modestlie without giving occasion of offence or scandall to the Kirk, under the pane of ane thowsand merkes in caise he failzie in anie point of the premisses." Fol. 67, b.

Ordinance forbidding messengers-of-arms and others to execute their letters at the church door on Sabbath.

"Forsameekle as the Lords of Secreit Counsell ar informed be the commissioners of the dioceis of Aberdein and Murray that the Lords holie Sabboth is verie farre profanned and violat within the saids bounds by messingers of armes, shireffs and commissars officiars and others of that sort, who being imployed be parteis to execute thair letters and precepts they keepe the same up to the Sabboth day, and neglecting the lawfull and ordinarie forme of executioun of the saids letters and precepts they execute the same at the kirk doore in tyme of divine service, quhairthrow the ministers of the kirks ar interrupted and hindered frome the exercise of thair calling, the parochiners fearing that some of these executions concerne thame ar drawin out of the kirk to learne and heare what they ar, and the hearts of all the good people within the said parishes ar greeved, to the great offence of God, scandall of the Kirk and contempt of all good order. For preventing of whilk abuse in tyme comming the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie messingers of armes, shireff sand commissars officiars, and all others of that sort, be opin proclamatioun at the mercat croces of Abirdein, Bamf, Elgine, Forres and others places neidfull, that nane of thame presoome nor take upon hand

Acta January 1631-May 1632. Fol. 67, b.

to execute anie letters or precepts of whatsomever nature or qualitie upon the Sabboth day, except onlie warnings for removing and redemptioun of lands, inhibitiouns of teinds, warnings to compeir before the Commissioners for the Surrenders and Teinds and charges of horning quhilks be the warrand thairof ar ordained to be execute at parish kirks, discharging thame thairof and of thair offices in that part, and forder under the pane to be punished in thair persons and goods at the arbitrement of his Majesteis Counsell."

Decreta, March 1631-April 1632. Fol. 204, b.

[Sederunt as recorded above.]

Holyrood House, 14th June 1631.

Caution by William Crawford in Meikle Govan for Mr. Alexander Wodcrop.

William Crawfurd in Meekle Govane compears and becomes cautioner in 1000 merks that Mr. Alexander Wodcrop in Carnetoun will not molest James McNair in Meekle Govane and John McNair, his son, nor their wives, families and households.

Caution by Alexander Wodcrop for William Crawfurd.

Mr. Alexander Wodcrop in Carnetoun becomes cautioner in 1000 merks for William Crawfurd in Meekle Govane to the same effect.

Caution by Matthew Wallace for Sir Walter Stewart.

Matthew Wallace of Achans becomes cautioner in 1000 merks for Sir Walter Stewart of Minto to the same effect.

Fol. 205, a.

Caution by Patrick Gaw M'Farlane for James M'Nair.

Patrick Gaw McFarlane in Glasgow becomes cautioner in 1000 merks for James McNair in Meekle Govane, and John McNair, his son, that they will not molest William Crawfurd in Meekle Govane nor his wife, family and household.

Caution by Mr. John Elphinstone for Ludovick Fowler.

Mr. John Elphinstoun in Leith becomes cautioner in 500 merks that Ludovick Fouller, portioner of Restalrig, will not molest Alexander Hay in Leith, nor his wife, family, and household; with clause of relief by Fouller in favour of his cautioner.

Caution by Ludovick Fowler for John Sinclair, his servant.

Ludovick Fouller, portioner of Restalrig, becomes cautioner in 300 merks for John Sinclare, his servant, to the same effect.

Fol. 205, b.

Caution by John Kells for Alexander Hay.

John Kells, indweller in Leith, becomes cautioner in 500 merks that Alexander Hay in Leith will not molest Ludovick Fouller, portioner of Restalrig, John Sinclare, his servant, nor their wives, children or tenants; with clause of relief.

Complaint by Alexander Hay, now in Leith, against the bailies of that burgh for an illegal citation.

Complaint by Alexander Hay, now in Leith, as follows:—On Monday last he was with the minister and several honest men in Leith at the lykewake of a gentlewoman, called Susanna Mortoun, and having remained there until 12 o'clock at night he went home in company of certain of the said honest men. Thereupon Bernard Lindsey, now in Leith, armed with a pair of pistols and a sword came to him and desired to speak with him in a friendly manner, as he alleged, but he very treacherously assailed him, and would have slain him if the complainer had not closed with him and disarmed him of his sword. On 8th June instant John Rae, officer to the bailies of Leith, cited the complainer before the said bailies for the following day under the penalty of £1000, but when the complainer craved a copy of the summons that he might

know for what he was to be indicted, it was refused. The complainer, Decreta, March 1631-April 1632.
therefore, believing that this citation was *super inquirendis*, and so illegal, Fol. 206, a.
did not appear, as it is notour that he received a notable wrong at the command and direction of the magistrates of Edinburgh and Leith and that they cannot, on that account, be lawful judges to him. Charge having been given to Alexander Clerk, provost of Edinburgh, and Andrew Simpsoun and Gilbert Achesoun, two of the bailies of the said burgh, for themselves and in name of the remaining bailies, and Gilbert Williamesoun and John Inglis, bailies of Leith, and these persons and the pursuer compearing, they represented that of late there having been some breach of the peace between the pursuer and Bernard Lindsey in the town of Leith they summoned both parties before them to find caution for keeping the peace; that Bernard Lindsey obeyed, but as the pursuer did not, they fined him £20. The Lords, after hearing parties, find and declare that the provost and bailies of Edinburgh as barons of Leith, and sheriffs and justices of the peace within their own bounds, have good right and may justly charge "the supplicant, who dwellis in Leith," to find caution for keeping of the peace, especially after there has been a riot; and they remit him to the bailies of Leith, ordaining him to find caution in the town books of Leith for keeping the peace under a penalty of 500 merks.

Complaint by Andrew Anderson, hatmaker in Edinburgh, against John Mitchell, one of the officers of Edinburgh, for illegal warding.

Complaint by Andrew Andersoun, hatmaker, burgess of Edinburgh, as Fol 206, b.
follows:—On 13th June instant he was standing at his booth door doing his business, when John Mitchell, one of the officers of Edinburgh, who alleged that he was employed by James Narne, burgess thereof, to execute an act of warding, violently seized the complainer, "dumped him with his hands on the breast, he being ane old sickelie man, and harled him up the streit to the tolbuith." The complainer showed him a suspension against the said James Narne as yet undiscussed, and he also showed it to Nicol Udward, one of the bailies of Edinburgh, but they refuse to acknowledge it, and still keep the complainer in ward, to his heavy hurt and prejudice. Charge having been given to the said Nicol Udward and William [sic] Mitchell, and the pursuer compearing by Margaret Craig, his wife, and the said John Mitchell also appearing, but not Nicol Udward, the Lords, after hearing parties and witnesses upon the showing Fol. 207, a.
of the suspension, find that the said suspension, duly executed and indorsed, was produced and shown to the said John Mitchell, who, notwithstanding thereof, carried the complainer to ward wrongfully, and they accordingly ordain the provost and bailies of Edinburgh to liberate the pursuer until the reasons of the suspension are discussed.

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie, for continuance of protection from his father's

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie, as follows:—Their Lordships, commiserating the supplicant's hard estate, how that his father left nothing but a heavy burden of debt, and that those who had the care of his education, ignorant of this, had him served heir to his father, whereby he was in daily fear of caption at the hands of his father's creditors, granted him their

Decreta, March 1631-April 1632. Fol. 207, a.

protection until he was twelve years of age. This is in accordance with their Lordships' practice towards minors, so that they may not suffer in their education on account of their father's deeds. As this is the principal and only season in which he can profit in literature and learning he craves an extension of their Lordships' protection. This the Lords grant until he attain the age of fourteen years.

creditors—the said Andrew being a minor.

Fol. 207, b.

Complaint by William Blair, messenger, as follows:—On 6th June instant he was employed by John Lowrie, servitor to John Hamiltoun, apothecary, and Mr. Robert Broun of Pitcanie, to poind the goods of John Douglas in Pentland, and in obedience to his Majesty's letters thereanent he went to the stable of James Blaikie in Edinburgh, and apprehended a brown horse and a brown mare there belonging to the said John Douglas. Having taken them by the head to lead them to the cross for apprising them, the said James Blaikie, stabler, violently took them from him, and though the messenger warned him to desist, and charged him to concur in the execution of his Majesty's letters, he refused and would have riven the letters, saying that in spite of any warrand whatsoever he would keep the said horse and mare, and that he would avow and abide by the said deforcement. The pursuer compearing but not the defender, the Lords ordain him to be put to the horn and escheat.

Complaint by William Blair, messenger, against John Douglas in Pentland, whom the complainer charges with resisting him in the legal discharge of his office.

Fol. 208, a.

Complaint by John Kilgour, younger, officer to the Commissariot of Aberdein, as follows:—On February last he was assisting John Chalmer, messenger, in poinding a horse belonging to Robert Anderson in Kintore, and the horse having been placed in the charge of the complainer, James Irwing, servitor to the said Robert, came at his command to the complainer and threatened to strike him and the said messenger to the heart with a whinger if they did not abandon the horse; and gave the complainer a stroke on the hand, cutting two of his fingers and his thumb to the great effusion of his blood. Then the said Robert took the horse, and, putting his servant upon it, caused him to ride off with it. The pursuer compearing by Mr. George Heriot, servitor to Mr. John Paip, elder, but neither of the defenders, the Lords ordain them to be put to the horn and escheat.

Similar complaint by John Kilgour, officer to the Commissariot in Aberdeen.

Fol. 198, b.

Complaint by Robert Johnestoun in Middlegill and William Hamiltoun in Ellitschaw, his cautioner, as follows:—About four years ago the said Robert lived on the lands of Over Cleuche pertaining to William, Earl of Angus, and the levies for Denmark, being then in hand, the said Earl burdened him to furnish some men, which he would willingly have done but could not, because his sons were not sufficiently grown, and his servants were so useful to him that he could not, without his great hurt,

Fol. 199, a.

want them. For this cause the Earl conceived a hatred and grudge against him, and because he could not directly injure him he resolved to do so under colour of justice. He accordingly cited him to appear at a justice court to be held at Dowglas Castle on a charge of *super inquirendis*, and although this was an illegal citation, yet conscious of his innocency

Complaint by Robert Johnston in Middlegill against the Earl of Angus for illegal citations. [This Act misplaced in the Register.]

of any crime the complainer freely entered himself at the said court and offered himself for trial on any charge that could be preferred against him. The said Earl, however, having nothing to lay to his charge, dismissed him, after taking the said William Hamiltoun as cautioner for his re-entry upon a new summons. Thereafter the complainer removed himself from the said Earl's lands of Over Cleuche, to the lands of Middlegill in Annerdaill belonging to the laird of Johnestoun, where he has now dwelt for the past three years, and so outwith the jurisdiction of the said Earl; yet he has caused his said cautioner exhibit him of new at a justice court held at the Castle of Dowglas on 21st April last upon a similar general charge, and intends to proceed against them, although the complainer is not under his jurisdiction, nor is he one of his removable tenants, against whom the said Earl has lately purchased a commission. If any crime can be laid to his charge the complainer has instantly found caution in the Books of Adjournal to compear before the Justice and his deputes whenever lawfully summoned, and he therefore claims that the said Earl should be discharged from all proceeding against him. Charge having been given to the said Earl of Angus, Weir of Achtisfardell, his bailie, and Adam Weir, called of Little Clyde, his procurator fiscal, and the said Robert Johnestoun compearing personally, and the said Earl of Angus by Mr. John Oliphant, his procurator, and having been heard, the Lords grant advocation of the said pretended action and pursuit of the complainer from the said Earl and his bailies to the Justice General and his deputes, and discharge the said Earl and his bailies of all proceeding against the pursuer and his cautioner until the said pretended libelled pretext be presented before their Lordships, and the pursuer be warned to its production.

Decreta, March 1631-April 1632. Fol. 199, a.

Fol. 199, b.

Holyrood House, 14th June 1631. Repair of the highways.

"The quhilk day the Earle of Wintoun undertooke to caus the baillies of Mussilburgh meete with the toun of Edinburgh upoun Mononday nixt to confer and treate anent the reparatioun of the hie wayes."

Sederunts, November 1629-January 1635. Fol. 57, a.

Francis Douglas.

"Frances Douglas ordanit to be warnit to Thurisday nixt anent the house of Caddell."

Greenwich, 14th June 1631. Letter from his Majesty desiring the punishment of those guilty of the slaughter of William Graham.

"CHARLES R., Right trustie and right welbeloved cousin and counsellour, right trustie and welbeloved cousin [*sic*] and counsellours, and right trustie and welbeloved counsellours, we greet yow well. Being informed of the crewell slauchter of Williame Grhame, brother of our trustie and welbeloved servant, Sir Richart Grhame, knycht and barronet, committed by some of the Irwingis in the Borders of that our kingdome, whiche we seriouslie require to be tryed and exemplarly punished with all possible diligence, according to the lawes of that our kingdome, oure speciall pleasuir is that you see justice executed upoun all such personis as shalbe found to have had ane hand in that murther, or anywise accessarie therunto and to that effect (if upoun citatioun they doe not appear) that yow grant such commissionis as the partie interested shall laufullie

Royal Letters, 1623-32. Fol. 199, a.

Royal Letters, 1623-33. Fol. 199, a. require for the more speedie apprehensioun of the malefactours. Which speciallie recommending unto your care we bid yow farewell. From our manour at Greenwitch the fourtene day of June, 1631.

Acta January 1631-May 1632. Fol. 68, a. *Sederunt*—Privy Seal; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Iles; Tracquair; Secretary; Advocate; Justice Clerk; Scottistarvet. Holyrood House, 16th June 1631.

"The whilk day Francis Douglas, brother to the Erle of Angus, compeirand personallie before the Lords of Secreit Counsell, promeist and undertooke to exhibite Williame Caddell togidder with the keyes of the hous of Caddell this day twentie dayes to be disposed of as the Counsell sall thinke good." Francis Douglas and the House of Caddell.

Decreta, March 1631-April 1632. Fol. 208, b. [Sederunt as recorded above.] Holyrood House, 16th June 1631.

Complaint by John, Lord Areskine, against a further lot of refractory tanners [in terms *ut ante* p. 162] viz., James Mechie in Fechrie, Mechie there, Andrew Smart in Muresk, John Copland in Lethers, Thomas Jamesoun in Boggis, Alexander Hoggis in Arnheid, David Perie there, Walter Walker there, William Davidsoun in Bogside, Andrew Davidsoun in Smalburne, James Alaster in Aldmylne, George Ferrour in Udoche, Andrew Craig there, William Mitchell in Garnestoun, James Mitchell there, Walter Mitchell in Blacktoun, Andrew Skinner in Bagnos, Alexander Burgie in Castiltoun, James Watsoun in Tillibraidleyes, Thomas Patersoun in Achogill, Alexander Alschinder in Turreff, Alexander and Gilbert Tailyeour there, and John Chapman there. The pursuer appearing by John Wardlaw, his servitor, but none of the defenders, the Lords ordain them to be put to the horn and escheat. Complaint by John, Lord Erskine, against refractory tanners.

Fol. 209, a.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, and James Crichtoun of Fendraucht, as the party grieved, as follows:—There have been certain oppressions, heirships, depredations and bloodsheds committed upon his lands and his tenants and servants upon the 10th, 16th and 27th days of March and 5th April last by some broken Hieland men at the command of Katherine Forbes, Lady Rothemay, Katherine, Isobel, Jean and Gordon, her daughters, Patrick Murrey in Achinmill, George Murrey his brother, Helen Gordoun, their mother, Thomas Meldrum, sometime of Iden, Mr. William Meldrum his son, and Helen Tyrie, wife of the said William. Charge having been given to these persons, and pursuers and defenders compearing personally, the Laird of Fendraucht passed from the pursuit in respect of Lady Rothemay and her daughters, and Helen Gordoun and her sons, and further declared that he was willing that the criminal diet fixed for 29th July next against the whole defenders should desert, they finding caution for the indemnity of himself and his tenants and servants under such penalties as the Lords should appoint. Complaint by James Crichton of Frendraught against Lady Rothiemay and others for inciting to plunder on the complainer's lands.

Fol. 209, b.

Caution by the Master of Ayr for Crichton of Frendraught.

Act of caution by Master of Air in 2000 merks for James Crichtoun of Fendraucht, that he will not molest Katharine Forbes, Lady Rothemay, nor her children and household; with clause of relief. Decreta, March 1361-April 1632. Fol. 210, a.

Similar act of caution.

Another act of caution by the said Master of Air for the same, in 3000 merks, that he will not molest Thomas Meldrum of Iden, and Mr. William Meldrum, his son, nor their wives and households; with clause of relief.

Similar act of caution.

Act of caution by Thomas Meldrum of Iden and Mr. William Meldrum, his son, each for the other, under the penalties contained in their former acts, that they will not molest James Crichtoun of Fendraucht, nor his wife, children nor household, etc.

Similar caution.

Act of caution by Maister of Air, in 2000 merks for James Crichtoun of Fendraucht, that he will not molest John Ogilvie of Milnetoun nor any pertaining to him; with clause of relief. Fol. 210, b.

Similar caution.

Act of caution by John Gordoun of Innermerkie in 1000 merks for John Ogilvie of Milnetoun, that he will not molest James Crichtoun of Fendraucht, nor any pertaining to him; with clause of relief.

Holyrood House, 16th June 1631.

Letter from his Majesty anent the storing of victual.

"Ane letter frome his Majestie for rescinding the Act of Counsell maid anent the girnelling of victuall, the resolutioun wherof continewed to Twisday nixt, and the toun of Leethe ordanit to be warnit to that day." Sederunts, November 1629-January 1635. Fol. 57, b.

Mr. David Wedderburn and his Latin Grammar.

"The quhilk day Mr David Wedderburne declairit that his Grammer being approvin be the Commissionars for the Burrowis he wald refer himself to the Bishop of Dunblane and Advocat anent the satisfactioun to be gevin be him to Mr Alexander Hoome for his interesse in the Grammer."

Holyrood House, 21st June 1631.

Sederunt—Hadintoun; Lauderdaill; Bishop of Ros; Bishop of Dumblane; Bishop of the Iles; Carnegie; Naper; Tracquair; Master of Elphinston; Secretary; Advocate; Justice Clerk. Acta January 1631-May 1632. Fol. 68, a.

James Mouat, late sheriff-clerk of Berwick.

"The whilk day James Mouat, lait shireff clerk of Beruick, compeirand personallie before the Lords of Secreit Counsell actit and obleist himselfe to compeir personallie before the saids Lords when ever he sall be charged under the pane of ane thowsand merkes."

Holyrood House, 21st June 1631.

[Sederunt as recorded above omitting the Master of Elphinstoun.] Decreta, March 1631-April 1632. Fol. 210, b.

Complaint by Katharine Forbes, widow of William Gordon of Rothiemay, against John Gordon of Innermerkie and others for invading and spoiling her

Complaint by Sir Thomas Hope, King's Advocate, and by Katharine Forbes, widow of William Gordoun of Rothemay, James Gordoun, now of Rothemay, his son, and Alexander Forbes and Edward Ferquharsoun, her servants, as follows:—In violation of the lawes forbidding the wearing of hagbuts and pistols and warding of free persons as prisoners, and notwithstanding that the said Katharine is infeft in liferent in the Maynes of Rothemay and tower thereof and has been in peaceable Fol. 211, a.

Decreta, March 1631-April 1632. Fol. 211, a.

possession thereof since the death of her said husband "who departed this lyfe upon the sevint of Januarie last, until the nynt of October now bygane, at quhilk tyme she being troubled and visite with ane unexpressible greefe and sorrow for the lamentable and deplorable death of umquhill Johne Gordoun of Rothemay, her eldest sonne," John Gordoun of Innermerkie and Alexander Gordoun, fiar thereof, taking advantage of this, resolved to put in execution a plot they had concocted against her. Coming to the place of Rothemay and being received therein with "all the showes of freindship and courtesie that the present occasioun could affoord, they or ever the said Katharine or anie of her servants wer awar of thame made thameselffes maisters of her hous, reft the keyes of the utter yett frome Williame Finnie, porter, and hes keeped and deteanned the said Katharine, her barnes and servants, as prisouners within the hous, suffering nane to have accesse unto thame nor nane of thame to goe without the yetts bot be thair permissioun and allowance. And upon the sevint day of November last the said Alexander, accompanied with Williame Gordoun, Gilbert Greeve, Alexander Robertsoun, Thomas Shearer and James Guild, his and his fathers servants, and who assisted thame in taking and keeping of the hous, having gone to the hunting for thair recreatioun, they closed the yetts of the said Katharines hous, tooke the keyes with thame and locked her and her servants thairin, where they remained in the qualitie of prisoners that whole day; and the said James Gordoun, sonne to the said Katharine, Issobell and Jeane Gordouns, her daughters, wer debarred frome accesse within the hous. And the said Katharine having just caus of feare and suspicioun that they wanted foode, as indeid they had none, she with great difficultie pat a little boy out at the window to make inquyrie and searche for her young sonne, ane young boy of nyne yeeres of age, who as she is trewlie informed, had fasted that whole day and wes brought to the verie point of death for famine. And upon the ellevint of October last the saids Johne and Alexander Gordouns and thair complices brake up ane closse almerie wherein the said umquhill Johne Gordoun, her sonne, had his money and writts; and when as the said Katharine fand fault with thair lawlesse and insolent proceedings they threatned to take her lyfe and to harle her out of her bed where she lay for the tyme and to putt her out at the yetts. And upon the twelffe of the said moneth of October the saids persouns violentlie reft and tooke the keyes of her victuall hous and pantrie frome her pantrie man and delyvered thame to Niniane Seatoun, thair awne servant, who is fugitive frome the lawes and at the horne for ane detestable murder committed be him at the kirk of Bourtie, and they gave strait directioun and command to the said Niniane to take the charge of the hous and to keepe the keyes in thair name and to misken the said Katharine and her servants. Lykeas they caused him to meddle and intromett with the haill meale, malt, flowre, butter and all other provisioun being within the hous, and to dispone thairupon

house and carrying off her son.

Fol. 211, b.

to thair use and behove. And upon the fourteene of November the said Alexander Gordoun violentlie reft fra Agnes Forbes, servitrice to the said Katharine, the key of her laidner doore, and his servants and complices foresaids tooke furth thairof the whole beiff, butter and hard fishe being within the same. And the same day the said Alexander dang up ane vault doore with his foote, and he and his complices tooke furth thairof all the complainers victualls and furnishing being thairin. And when as she upon occasioun of this extraordinarie usage acquainted be her missive letter her freinds thairwith, the saids persouns for this only caus in the moneths of October and November last threatned her servants with all kynde of rigour and extremitie becaus they caried the saids letters frome her; and in speciall the said Alexander Gordoun threatned to drowne Alexander and Agnes Kelleis, her servants, for carying her letters to the Marqueis of Huntlie. And upon the twentie twa day of November last they patt violent hands in the said Alexander Forbes, her servant, who is ane poore, harmeles and aged man, caryed him to ane chamber, and with ane sword belt shamefullie, cruellie and unmercifullie belted him to the effusioun of his blood and perrell of his lyffe, threatning to make his privie members als great as his head, for carying ane letter of the said Katharines to the Lord Forbes, her brother. And siclyke the said servitour to the said Johne Gordoun of Innermerkie, at his and his sonnes command, reft and away tooke ane of her ky, pastouring for the tyme upon her lyferent lands of Nauchtane; and being impeded be the said Edward Ferquharsoun, her servant, the said shamfullie strake and dang the said Edward and gave him ane nomber of blae and bloodie straikes to the perrell of his lyfe. And since the nynt of October last the saids Johne and Alexander Gordouns and thair servants hes medled and intrometted with the cornes being upon the compleaners feilds, in her barns and barnyairds, and hes destroyed ane great quantitie of the same to her heavie hurt. And not content with all thir shamefull and lawlesse oppressiouns they upon the twentie sevint day of November last violentlie reft and tooke frome the compleaner the said James Gordoun, now of Rothemay, her sonne, and keepes and deteanes him, intending now in his minoritie to caus make chois of his curatours at thair humour and accordinglie to make unlawfull dispositioun of his estait and fortouns in thair favours. And they make ane publict avowal of thair doings, saying that the compleaner and all her kin sall never gett reparatioun thairof." Charge having been given to the said John, Alexander and William Gordoun, Gilbert Greeve, Alexander Robertsoun, Thomas Shearer, James Guild and Ninian Seatoun to compear before the Lords, and to the said Lairds of Innermerkie, elder and younger, to produce the said James Gordoun; and the pursuers appearing, viz.—the said Lord Advocate, and the said Katharine Forbes for herself and in the name of the other pursuers; and the defenders, John Gordoun of Inner-

Decreta, March 1631-April 1632. Fol. 211, b.

Fol. 212, a.

Fol. 212, b.

Decreta, March 1631-April 1632. Fol. 212, b.

merkie, Alexander Gordoun, his son, and Ninian Seatoun being present, the said John Gordoun declaring he would answer also for William Gordoun, Gilbert Greeve, Alexander Robertsoun and Thomas Shearer (but no appearance being made for James Guild), the pursuer declared that she passed from the whole complaint except the taking away from her of her son by violence, and she desired that their Lordships would cause him to be produced. It was affirmed by the said John Gordoun of Innermerkie "that there wes no violence used aganis the said James Gordoun but that he came willingly away with him." The pursuer thereupon referred the truth of this to his oath, and the said John, being sworn, "depouned, grantit and confest that the said James Gordoun come unwillinglie away with him." The Lords therefore ordain him to produce the said James Gordoun before them this day twenty days that they may take order for his education as they may find expedient, under the pane of rebellion.

Fol. 213 a.

Complaint by James M'Nair in Meikle Govan and John M'Nair, his son, against Sir Walter Stewart of Minto for assault and illegal warding.

Complaint by James M'Nair in Meikle Govane, and John M'Nair, his son, and Robert Neilsoun and Janet Bartane, his servants, as follows.—On 6th June instant Sir Walter Stewart of Mynto, accompanied by William Crawfurd in Meikle Govane, Mr. Alexander Wodcrop, John Purdoun, and James and Robert Nisbitt, came by way of hame-sucken, under cloud and silence of night, to the said James M'Nair's dwelling-house, while he was in bed taking the night's rest, and entering therein, violently drew the complainer out of his bed, and, after giving him "manie bauche and blae straikes in divers parts of his bodie, he being ane sickelie aged man past threescore saxtene yeeres of age, carried him with them to Glasgow, kept him that night prisoner in the dwelling-house of James Stirline, and next day carried him to the dungeon in the castle where he yet is. The same night they went to the house of the said John M'Nair, forcibly broke up the doors and searched for him through all the house for the purpose of taking his life, stogging the beds with swords, daggers and whingers; but missing him they put violent hands on his said servants and carried them away with them as prisoners, they having committed no crime, and these persons having no warrant nor commission to take them. Charge having been given to the said Sir Walter Stewart, William Crawfurd and Mr. Alexander Wodcrop, and the pursuers James and John M'Nair

Fol. 213, b.

compearing for themselves and in name of the said Janet Bartane and Robert Moresoun (*sic*), and the defenders also compearing, it was stated by them that James M'Nair was only committed to ward within the Castle of Glasgow because on being desired by the said Sir Walter Stewart, as bailie of the regality of Glasgow, to find caution for his compearance before him on a charge of cutting and destroying green wood and growing trees belonging to the said William Crawfurd, he refused to do so. James M'Nair replied that he offered to find caution as desired but that his offer was refused by Sir Walter Stewart, and he

referred the truth of this to Sir Walter's oath. He being sworn denied this, wherefore the Lords assoilzie the defenders. They, however, ordain that the trial of the said James McNair on the charge foresaid shall be pursued before themselves or his Majesty's Justice and his deputes, and discharge the said Sir Walter, as bailie of the regality of Glasgow, from proceeding therein, but without prejudice of the privilege and jurisdiction of the Duke of Lennox as bailie principal of the said regality. Decreta, March 1631-April 1632. Fol. 213, b.

Complaint by Thomas Halyburton, portioner of Dalcove, against Mark Halyburton for assault.

Complaint by Thomas Halyburtoun, portioner of Dalcove, as follows:—On 18th April last Mark Halyburtoun, son of John Halyburtoun of Mertoun, at the special instigation of his said father and of John Halyburtoun, apparent of Mertoun, his brother, came to that part of the Water of Tweid, called Corsheuche, belonging to Lord Traquair, where the complainer was fishing, alone and unarmed, and assailed him with a drawn sword, wounding him severely upon the nose and also upon the side of his head, to the great effusion of his blood. He had killed the complainer if he had not happily taken the sword from him and broken it. Parties compearing, the Lords after hearing them find that Mark Haliburtoun drew a sword and hurt the complainer therewith, and ordain him to be warded in the tolbooth of Edinburgh until he be relieved by them, he having confessed the fact, but saying that the injury was caused by the pursuer's own fault. The Lords, however, assoilzie his father and brother, because on the matter being referred to their oath, they denied having hounded out the said Mark. Fol. 214, a.

Complaint by Christian Laing at the West Port against Margaret Gladstanes for assault.

Complaint by Christian Laing and Andrew Doik at the West Port, her husband, as follows:—On 12th April last Margaret Gledstains at the West Port called the said Christian into her house, and as soon as she entered "gripped her be the throat, rave her haire out of her head, brunt the same with her kerches and mutches in the fire, strake her with feit and hands on the backe and bellie; and James Murrey,[1] spous to the said Margaret, verie cruellie hurt and woundit the honest woman on the backe and others parts of her bodie, so as shortlie thereafter she parted with twa deid childrein, to the hazard of her lyfe." Charge having been given to the said Margaret Gledstains, John Wilsoun and James Murrey, and they compearing, and the said Andrew Doick appearing on behalf of his wife, the Lords after hearing parties and certain witnesses, find that "Margaret Gledstains pulled the kerche aff the said Christiane Layng's heid" and therefore ordain her to enter into ward in the tolbooth of the West Port "the morne at eight of the clocke and to remaine thairin till sax at night," and assoilzie the remaining defenders. Fol. 215, a.

Supplication by Alexander Napier, servitor to the Duchess of Lennox, for

Supplication by Alexander Naper, burgess of Edinburgh, servitor to the Duchess of Lennox, as follows:—The said Duchess has sent him to this country for the despatch of some business concerning her and the Duke of Lennox, after which he designs to take some course for giving Fol. 215, b.

[1] Here there is interlined "in Corstorphine Johne Wilsoun."

Decreta, March 1631-April 1632. Fol. 215, b.

satisfaction to his own creditors, but he cannot accomplish this without a warrant from their Lordships, which accordingly he craves. The Lords grant him until the last day of August next.

protection that he may satisfy his creditors.

Fol. 216, a.

Complaint by Sir George Ogilvie of Bamff, as follows:—"His predecessours in the tyme of poprie and blindnesse, having at thair awne charges and expenses caused make some vestiments for the preests that served in thair chappellis and at thair altars, and at the alteratioun of the religioun within this kingdome the preests who had the keeping of thir vestiments finding that they had no forder use thairof and that they durst not avow the having of the same, they delyvered thame to the compleaners umquhill goodshir be whome during his whole tyme and thereafter be his lait father during his tyme they were carefullie and closelie keeped, and verie few or none knew of thame; and when the compleaner come to the administratioun of his effaires and living, finding thir vestments in his hous and in a closse locked truncke he had manie questiouns and doubts with himselfe what to doe with thame; and in end he concludit that the keeping thairof wes dangerous both to himselfe and to others if they come in the hands of persouns suspect in religioun; and thairfoir he resolved to send them out of the countrie to be sauld. And having delyvered thame to M[r] James Strauchane and committed the trust of the selling thairof to him, and he having done his endeavoure thairin and finding no mercat for thame beyond sea, he sent thame backe againe in ane truncke to this countrie; and soone after they wer sett ashoare the customers seized upon thame, tooke thame to the custome hous, where they have beene keeped this long tyme bygane." Charge having been given to John and Robert Fleeming and Robert Maistertoun, tacksmen of his Majesty's Customs, to compear before the Lords to receive order to deliver up the said vestments to the said Mr. James Strauchane, who appeared for the pursuer, and the said John Fleeming also being present, Sir Thomas Hope of Craighall, King's Advocate, for his Majesty's interest "protested that seing the clothes lybellit are popish and prohibite be the Acts of Parliament and lawes of this kingdome, especiallie be ane Act made in the 1587 yeere of God, and be another Act made in the 1592 yeere of God, that thairfoir they do apperteane to his Majestie." The Lords having heard parties, assoilzie thedefenders from this pursuit, and ordain "the cloathes and vestiments foresaids to be cutted, and his Majesteis Thesaurar to dispone thairupon to the best availl for his Majesteis use."

Complaint by Sir George Ogilvie of Banff agninst certain tacksmen of his Majesty's customs who had arrested some priestly vestments belonging to the complainer.

Fol. 216, b.

Sederunts, November 1629-January 1635. Fol. 57, b. Fol. 58, a.

[Sederunt as above except the Master of Elphinston.]

Holyrood House, 21st June 1631.

"That chargeis be direct at the instance of the Thesaurair and Advocat aganis the Buquhannanis for thair unlawfull convocatioun with forbiddin waponis at the Kirk of Calendar on Sonday last, and for keeping of the peace in the mean tyme."

Anent the Buchanans.

Holyrood House, 22nd June 1631. Supplication by Captain John Maxwell for a warrant to quarter certain of his levies in Musselburgh.

Supplication by Captain John Maxwell, as follows:—He is employed in his Majesty's service under the Lord Marquis of Hamiltoun, and has levied in the northern parts of this realm fifty soldiers or thereby, who have come over the water and are ready to be embarked at the time appointed. It is very expensive to the supplicant to quarter and maintain these men for so long a time in Edinburgh, the Cannogait, or Leith, and the adjacent towns refuse to receive and lodge the said soldiers at the supplicant's expense unless they are charged by their Lordships to do so. He therefore craves their Lordships' order to the magistrates and inhabitants of Musselburgh to the above effect. The Lords, judging the request reasonable, ordain the bailies, magistrates, and inhabitants of Musselburgh to receive, quarter and lodge the said fifty soldiers on the supplicant's reasonable charges until such time as they are embarked with the rest of the regiment (the said soldiers always behaving themselves dutifully), as they will answer at their peril. Decreta, March 1631-April 1632. Fol. 216, b. Fol. 217, a.

Sederunt *ut supra* except Lauderdaill. Acta January 1631-May 1632. Fol. 68, a.

Holyrood House, 23rd June 1631. Sir Robert Ker admitted into the Council.

"The whilk day the Lords of Secreit Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame receaved and admitted Sir Robert Ker, knight, to be ane of His Majesteis Privie Counsell, lykeas the said Sir Robert, being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gratious favour shawin unto him in preferring of him to this place of honnour and dignitie, he with all submissive reverence on his knees made and gave his solemne oath of alledgeance and the oath of a privie counsellour. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins [sic], and trustie and weilbelovit counsellers, we greit yow weill. Understanding perfytelie of the sufficiencie of our trustie and weilbelovit Sir Robert Ker, knight, and of his affectioun to our service, we ar moved in regarde thairof and for his better encouragement and enabling for our said service to advance and promove him to be one of our Privie Counsell of that our kingdome. Thairfoir our pleasure is and we doe heirby require yow that, having administred unto him the oath accustomed in the lyke caises, yow admitt him to be one of our Privie Counsell, receaving him in that place as one of your nomber; for doing whairof these presents sall be your sufficient warrand. So we bid yow fareweill. Frome our Court at Greenewiche, the nynth day of June, 1631." Fol. 68, b.

Act in favour of Edinburgh allowing noblemen, barons, and others to store victual in Leith, but not the inhabitants of that burgh.

"Anent our soverane Lords letters raised at the instance of the provest, bailleis and counsell of Edinburgh, makand mentioun, that where they having upon the saxtene of this instant exhibite unto the Lords of Privie Counsell ane letter from his Majestie conteaning ane declaratioun of his Majesteis royall pleasure, that if the saids compleaners sall ratifie the declaratioun conteanit in ane decreit recovered be thame before the

Acta January 1631-May 1632. Fol. 68, b.

Lords of Counsell and Sessioun in favours of the nobilitie, gentrie and others exprest thairin anent the girnelling of victuall that than the saids Lords without anie forder delay sould annull the act made be thame aganis the said decreit of the Lords of Sessioun in so farre as concerned the girnelling of victuall, as his Majesteis letter foresaid beiris: Quhilk being read and considderit be the saids Lords of Privie Counsell, it wes thair pleasure before they would give ane answere thairto to ordaine the saids compleaners to warne the partie to heare the contents of his Majesteis letter intimat unto thame, quhilk for obedience of the saids Lords they ar content to doe, with protestatioun that the citatioun and warning to be used aganis thame is not to call in question or bring in tryell the validitie of the said decreit bot to give notice unto thame of his Majesteis will. And anent the charge givin to James Home, Alexander Hay and George Logane, the three persons aganis whome the compleaners have recovered the said decreit, to have compeired personallie before the Lords of Privie Counsell at ane certane day bygane to have heard and seene his Majesteis royall will and pleasure mentiouned in his said letter intimat and signified unto thame, that accordinglie the saids Lords may doe thairin as his Majestie hes directed, under protestatioun foresaid with intimation as effeires, lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof,—quhilks being callit and Alexander Clerk, provest, Nicol Udward, Andrew Simsone, Gilbert Achesone and Johne Rind, bailleis of the said burgh of Edinburgh, with some of the Counsell thairof, compeirand personallie and the saids defenders being lykewayes personallie present, the saids persewers produced before the saids Lords ane act under the subscriptioun of M^r^ Alexander Guthrie, clerk of the said burgh, of the dait the fyftene day of Junij instant, proporting that the provest, bailleis, counsell and deacons of crafts of the said burgh being conveened in thair counsell, ratified and approved the declaratioun made be thame before the Lords of Session aganis certane inhabitants of Leith upon the ellevint of Marche, 1630, by the whilk they declared that the chartour grantit to thair predecessours be umquhile Sir Robert Logane of Restalrig and confirmations of the same anent the prohibitioun of girnelling of victuall in Leith sall be onelie proper and extendit aganis the inhabitants of Leith and sall nowayes be prejudiciall to whatsomever noblemen, barons, gentlemen and others, his Majesteis subjects who brings or sends victuall to Leith to girnell the same there, as the said act of ratification beiris. Quhilk act being read, heard and considderit be the saids Lords, and they having lykewayes read and intimat his Majesteis missive letter foresaid to the defenders abonewrittin, who humbelie acquiesced to his Majesteis royall will and pleasure exprest in the said letter; lykeas the said Alexander Hay for himself and in name of the remanent defenders foresaids consented to the rescinding of the said act in so farre as concernes the girnelling of victuall; and the saids Lords being weill advised with the

Fol. 69, a.

said act of ratification, his Majesteis missive letter foresaid and consent abonewrittin of the saids defenders to the rescinding of the said act, the saids Lords of Secreit Counsell, in respect of the act of ratification foresaid and his Majesteis missive letter abonewrittin, hes rescindit and annulled, and be the tennor heirof rescinds and annulls the act foresaid made be thame aganis the decreet foresaid of the Lords of Sessioun, but prejudice of anie mans right and possessioun as accords of the law, and ordains the said act to have no forder force, effect nor executioun heerafter. Lykeas the saids Lords hes ordainned and ordains the said act of ratificatioun produced be the saids persewers to be insert and registrat in the bookes of Privie Counsell, and they have interponned and interpons thair auctoritie thairto, of the quhilk act the tennour followes:—*Apud Edinburgum, dccimo quinto die mensis Junij anno Domini millesimo sexcentesimo tricesimo primo.* The whilk day the provest, bailleis, counsell of the burgh of Edinburgh and deacons of crafts of the same, being conveened, and considdering of the declaratioun made be thame anent the girnelling of victuall in Leith and conteanit in the decreit obteanit be thame before the Lords of Sessioun aganis certane inhabitants of Leith of the dait at Edinburgh the ellevint day of Marche, the yeere of God j^{m}vj^{c} and threttie yeeres, whairby they declared that the chartour grantit to thair predecessours be umquhill Sir Robert Logane of Restalrig, dated the last of May 1398, and confirmatioun of the same be umquhill King James the Fourth of worthie memorie, with the confirmation past of the same in Parliament upon the day of 1621, yeeres anent the prohibitioun of girnelling of victuall within the toun of Leith and renunciation of the same, sall be onelie proper and extendit aganis the inhabitants of Leith and sall no wayes be prejudiciall to whatsomever noblemen, barons, gentlemen and others his Majesteis lieges who brings or sends victuall to Leith to sell to girnell the same there, nor to the saids inhabitants of Leith to sett thair sellers and lofts to thame to that effect, bot that it sall be lawfull to the saids noblemen, barons, gentlemen and others his Majesteis lieges to girnell thair victuall there conforme to use and wount, with provisioun alwayes that notwithstanding this declaratioun the said chartour grantit be the said umquhile Sir Robert Logane and confirmations of the same sall stand in force and effect aganis the saids inhabitants conforme to the tennour thairof. Whiche declaratioun upon the provisioun thairin conteanit the saids provest, bailleis, counsell and deacons of crafts ratifies and approves, and be thir presents of new declaires, That the said prohibitioun of girnelling of victuall within the said toun of Leith and renunciatioun of the same sall be onelie proper and extendit aganis the saids inhabitants of Leith, and sall no wayes be prejudiciall to whatsomever noblemen, barons, gentlemen and others his Majesteis lieges who brings or sends victuall to Leith to sell to girnell the same there, nor to the saids inhabitants of Leith to sett thair sellers and lofts to thame to that effect, bot that it sall be lawfull to the saids

Acta January 1631-May 1632. Fol. 69, a.

Fol. 69, b.

Acta January 1631-May 1632. Fol. 69, b.

noblemen, gentlemen and others his Majesteis lieges to girnell thair victuall thair conforme to use and wount, with provisioun alwayes notwithstanding of this declaratioun, the said chartour grantit be the said umquhill Sir Robert Logane and confirmations of the same sall stand in force and effect aganis the saids inhabitants of Leith conforme to the tennour thairof. Lykeas the saids provest, bailleis, counsell and deacons of crafts ar content and consents that this thair ratification and declaratioun sall be insert and registrat in the bookes of Secreit Counsell *ad futuram rei memoriam.* Extract furth of the register of the Acts of Counsell of the burgh of Edinburgh be me M^r^ Alexander Guthre, common clerk of Edinburgh, witnessing heirto this my signe and subscriptioun manuall, A. Guthre ss^t^."

Fol. 70, a.

"The whilk day the said Alexander Hay, for himselfe and in name of the defenders foresaids, protested that the decreit recovered be the provest and bailleis of Edinburgh aganis the saids defenders sall be no farder extendit in favours of the saids provest and bailleis bot aganis thair awne vassallis in Leith and thair awne superioriteis there; and the saids provest and bailleis protested in the contrarie in respect of thair infeftment grantit be the umquhill Laird of Restalrig as being superiour of the haill toun of Leith for the tyme. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and trustie and weilbelovit counsellours, we greit yow weill. We perceave by your letter unto us that yow have rescindit your act made aganis the decree obteanned by our burgh of Edinburgh aganis some inhabitants of Leith, except in so farre as concerneth the girnelling of victuall, and as yow have desyred by your letter, having dewlie considderit the declaratioun made to our Sessioun insert in the said decreit that notwithstanding of the said decreit, it sould be lawfull to anie nobleman, gentleman or others our subjects to girnell victuall there, except the inhabitants of Leith, and that our said burgh doe not clame anie other priviledge than by the lawes of our kingdome is allowed and warranted by former decreits, it is our pleasure that if our said burgh sall ratifie the said declaratioun conteanned in the said decreit made in favours of our nobilitie, gentrie and others expressed in the samine before yow that yow without anie further delay annull the said act in so farre as concerneth the girnelling of victuall also, and leave the free executioun of the said decreit to our said burgh ay and whill the samine be lawfullie reduced before the judge ordinar; and for your so doing these presents sall be unto yow a sufficient warrand. So we bid yow fareweill. Frome our mannour at Greenwiche, the second day of Junij 1631."

Protest by Alexander Hay and others to the effect that only the vassals of Edinburgh in the burgh of Leith should be debarred from storing victual in the said burgh.

Warrant from his Majesty for the above Act in favour of Edinburgh.

"The whilk day ane letter being produced frome the Laird of Grant bearing that Alaster Grant, rebel, wes come to his hous of Ballachastell and wes lying bedfast thairin, his Majesteis Advocat protested that

Alaster Grant.

seing the said Alaster wes now in the Laird of Grants power that he sould be lyable to the exhibitioun of him conforme to the band and under the pane thairin conteanit." Acta January 1631-May 1632. Fol. 70, a.

The torture of John Meldrum.

"The Lords continewes thair resolutioun and answere to his Majesteis letter concerning the tortouring of Johne Meldrum till Tuisday nixt that in the meane tyme the Lord Chanceller may be consulted if or not James Grant sall be first examined before the said Johne be putt to the tortour." Fol. 70, b.

Holyrood House, 23rd June 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 214, b.

Complaint by Helen Thorburn against Norman Baptie in Leith for unjust warding. [This act is misplaced in the Register.]

Complaint by Helen Thorebrand, as follows:—For over fifteen weeks she has been detained within the tolbooth of Leith at the instance of Normand Baptie in Leith for not paying to him £60 which he alleges she is due; while in truthe she is only due him £10. She is now driven to the very point of famishing, having no means nor friendship whereby to procure so much as a loaf of bread. The punishment of her imprisonment is far in excess of any loss the said Normand has sustained by her; and conscience and equity both demand that he either sustain her in ward, or consent to her liberation. The pursuer compeared by Andrew Henderson, her procurator, upon the 21st instant, and the defender, also compearing, then alleged that the pursuer was able to maintain herself in ward "by her awne vertew and industrie." The Lords having assigned this 23rd day to the defender to prove this, and the pursuer again appearing by her said procurator, but no appearance being made for the defender, the Lords ordain the bailies of Leith to put her to liberty.

Complaint by William Trotter of Blackburnrig against Uchtrid M'Dougall of Mondurk for defiance of the horning under which he lies at the instance of the complainer.

Complaint by William Trotter of Blaikeburnerig, as follows:—He raised an action before their Lordships against Uthrid McDougall of Mondurke on 9th June instant for carrying unlawful weapons and acts of oppression, which the said Uthrid disregarded, and was accordingly put to the horne. (See *ante*, p. 233.) Now the said Uthrid has suspended this horning to 5th July next and meanwhile has lodged a complaint against the complainer, charging him to answer thereto this day. He thus seeks to take advantage of the complainer by bringing in his charge before the complainer's, though it was raised long before his. But the complainer is ready now to answer both to it and the suspension. Both parties compearing, and the former process being produced, and William Trotter being asked if he had any proof to lead against the defender on that complaint, declared that he referred the matter to the defender's oath. The defender, having been sworn, confessed that, provoked by some threatening and contumelious speeches by the said William against him, he discharged his hacquebut at him and shot him in the thigh. Upon which confession the Lords find him guilty of a very great offence, and ordain him to pay a fine of 500 merks, of which 100 merks are to go Fol. 217, a. Fol. 217, b.

Decreta, March 1631-April 1632. Fol. 218, a.

to the King, and 400 to the party, and to find caution for payment hereof, and also for satisfying the surgeon employed in the case. If he fail to find the said caution he is to be presently warded in the tolbooth of Edinburgh.

Complaint by Mr. Robert Udnie of Lamington against Alexander Gordon of Dunkintie for appropriating certain articles found on James Grant, which belong to the complainer.

Complaint by Mr. Robert Udnie of Lamingtoun, as follows:—Their Lordships know that James Grant took from him by way of stouthreif 8000 merks, of which sum he is informed that Alexander Gordoun of Dunkintie at the taking of the said James Grant, medled with £1200 or thereby, certain letters and papers concerning the money, and a "tasse" and silver spoons taken from the complainer, which were in a bonnet case belonging to James Grant in the house of John Allanache, and will not give them up unless he is compelled. The pursuer compearing but not the defender, the Lords ordain him to be put to the horn and escheat.

Supplication by John Gordon of Embo that his act of caution for keeping the peace with the Laird of Duffus may be discharged on the grounds that they are now friends.

Supplication by John Gordon of Embo, as follows:—During the late troubles between him and the Laird of Duffus their Lordships were pleased to put him under caution for keeping the peace, for compearing before them on lawful citation, and for not carrying of forbidden
Fol. 218, b. weapons. These quarrels are now fully and finally settled, and "they stand under ane perfyte band of peace and freindship and there is als heartie love interteanned betuix thame as can be betuix anie gentlemen who ar most strictlie bound in freindship." The bond of caution, registered in the Books of Council and Session, the supplicant produces and craves that as the ground of their Lordships' act is now removed, and he, being now his Majesty's peaceable and good subject, is "resolved during the course of his naturall lyfe to continew in a most submissive obedience to his Majestie and his lawes, and there being no subject within the kingdome with whome he hes now anie querrell, this, his act of caution foresaid, may be discharged. The Lords ordain that the act, so far as concerns his keeping the peace and compearing before them, be discharged, but that it remain in force with regard to his not bearing and wearing of hagbuts and pistols.

Supplication by John Grant of Freuchie that his production of Alaster Grant may be postponed on the ground that the said Alaster is in sickness.

Fol. 219, a. Supplication by John Grant of Freuchie, knight, as follows:—He stands enacted in their Lordships' books for exhibition of Alaster Grant, rebel, before the first of July next, under the penalty of re-entering to his ward in the Castle of Edinburgh [*ante*, p. 201]. He has used his utmost diligence in the search, and the said Alaster, finding that he could no longer lurke nor escape, and being visited with heavy sickness, resolved to yield himself to the supplicant. Accordingly on the 19th instant he was brought to Ballachastell in a litter between two horses, grievously sick, and he now lies in the supplicant's said house "bedfast of a fever," as a certificate produced to their Lordships will show, and he cannot, therefore, be brought to their Lordships at present without the hazard of his life. He craves that their Lordships will continue the diet for his exhibition. This the Lords do until the 15th of July next,

when the Laird of Grant must either produce him or a certificate from the minister of his inability to travel; in which case he must produce him upon the 22d of July, under the penalties contained in the former act. Decreta, March 1631-April 1632. Fol. 219, a.

Complaint by John Ogilvie of Mylnetoun against the Laird of Frendraught whom he accuses of citing him before the Justice in a case which had been decided by the Council.

Complaint by John Ogilvie of Mylnetoun as follows:—The Laird of Fendraucht lately cited him before their Lordships for bearing hagbuts and pistols, and hounding out broken Highland men to commit heirships upon his tenants, and when the case came before them on 16th June instant he was convicted of the carrying of firearms and ordained to compone with the Treasurer thereanent (which he has done), but assoilzied from the other part of the complaint. Now, the Laird of Fendraucht has cited him before his Majesty's Justice for the same cause on 29th July next, and equity and justice demand that this diet should be deserted, and he and his cautioner freed from their act for compearance that day. Both pursuer and defender compearing, the Laird of Fendraucht declared that he had very good reason to pursue the complainer before the Justice, as he had not only reset and intercommuned with those who committed the said heirships, but had also offered to convoy the broken men who came down upon defender's lands. If, however, he would clear himself by his oath of these two points, he would pass from his pursuit before the Justice. The pursuer, being sworn, deponed his innocency in these things, whereupon the defender declared that he passed from the said pursuit before the Justice. Fol. 219, b.

Complaint by Patrick Murray against the Laird of Frendraught who is citing him before the Council and a Justice-Court on the same charge.

Complaint by Patrick Murrey, son of the deceased William Murrey of Cowbardie, as follows:—He was summoned by the Laird of Fendraucht to answer before their Lordships on 16th instant on a charge of taking part in certain heirships committed on Fendraucht's estate, and he came to Edinburgh for that purpose, "bot fell sicke upon the day of his compeirance and keeped his loodging that day." He is now ready to answer the complaint, but Fendraucht has summoned him for the same cause before the Justice on 29th July next; and justice and equity crave that if he clear himself before their Lordships the criminal diet before the Justice should desert. Charge having been given to the said Laird of Fendraucht, as defender, and he and the pursuer both compearing, Fendraucht passed from this pursuit both before their Lordships and the Justice, whereupon the pursuer asked instruments. But the Lords ordain both parties to find law-surety each to other, Fendraucht in 1000 merks and Patrick Murrey in 500 merks. Fol. 220, a.

Caution by James Crichton of Abercromby for the Laird of Frendraught.

James Crichtoun of Abircrombie, compearing personally, becomes cautioner in 1000 merks for James Crichtoun of Fendraucht that he will not molest the foresaid Patrick Murrey nor any pertaining to him; with clause of relief.

Caution by Sir Alexander Gordon of

Sir Alexander Gordoun of Cluny, knight baronet, compearing personally, becomes cautioner in 500 merks for Patrick Murrey foresaid, Fol. 220, b.

Decreta, March 1631-April 1632. Fol. 220, b.

that he will not molest the said James Crichtoun of Fendraucht nor any pertaining to him; with clause of relief. Cluny for Patrick Murray.

Complaint by William Steill, one of the soldiers of the company of Colonel Alexander Hamilton, as follows:—In April last he enrolled himself in the said company, received earnest thereupon, and his daily wages since as one of the said Colonel's soldiers; nevertheless Archibald Fisher, merchant burgess of Edinburgh, and several other soldiers in the company of Captain Cochrane, in May last "most craftilie and circumventiouslie drew the compleaner in to the hous of the said Archibald under pretence to drinke with him as a fellow souldiour, and after Fol. 221, a. severall drinkings to make him drunke the said Archibald would have him to take arles as a souldiour under the said Captane Cochrane and wold force him to receave ane kardikew,[1] the quhilk he in respect of his prior conditioun, refused to embrace." The said Archibald thereupon gave false information to the bailies of Edinburgh, and had him warded in the tolbooth of Edinburgh, where he has since remained. Charge having been given to the said Archibald Fisher, and to Gilbert Achesoun, one of the bailies of Edinburgh, to produce the prisoner, and both pursuer and defender compearing and having been heard, and the pursuer having sworn that about the 11th of April last he received arles from John Sinclare, by whom he "wes tane on" for the service of the said Colonel Hamilton, which the said John Sinclare, being also present, verified by his oath, the Lords ordain and command the provost and bailies of Edinburgh "to delyver the said Williame Steill at full libertie out of thair tolbuith to Johne Sinclare." Complaint by William Steele, soldier in the company of Colonel Alexander Hamilton, against Archibald Fisher and others for illegal warding.

"The protectioun formerlie grantit to M^r^ Johne Home, brother to Captane Thomas Home, continewed to the last day of Julij nixt." Continuance of protection to Mr. John Home.

"The protectioun grantit to Johne Littill for attending ane criminall persute before his Majesteis Justice continewed to the tent day of Julij nixt." Continuance of protection to John Little.

Sederunts, November 1629-January 1635. Fol. 58, a.

"The whilk day James Bailie of Park declairit that he wes content to assigne his bedfellow to the first and reddiest of his fermes in satisfactioun of xxvj bollis victuall dischargeit be him of that pairt and portioun whilk wes alloted to hir yf after tryall it salbe fundin that thair is so muche wanting to hir." Holyrood House, 23rd June 1631. Allowance by James Baillie of Park to his wife.

"The whilk day James Baillie of Park actit himself not to beare hagbutis nor pistollettis under the pane of three hundreth merkis." James Baillie of Park.

Royal Letters, 1623-35. Fol. 197, b.

"Most sacred Soverane, Remonstrance being made unto us by ane great nomber of the saltmaisters and coalemaisters of good qualitie of this your Majesteis ancient kingdome for thameselffes and in name and behalffe of the heretours of the saltpanns and coales that there is ane propositioun made to your Majestie for limitatioun of importing in England frome hence of salt to ane small quantitie sellable onelie to ane few persouns; there hes also the lyke remonstrance been made to us be Holyrood House, 23rd June 1631. Letter of Council to his Majesty anent a proposed restriction on the export of salt from Scotland to England.

[1] Quart d'ecu, a French coin, worth about 18d. sterling.

the Provest and Bailleis of Edinburgh for thameselffes and in name of your Majesteis whole remanent burrowes of this kingdome and to the same effect with this additioun that forrane salt is desired lykewayes to be restrained; we according to the dewteis of our place quhairwith your Majestie hes honoured us and conforme to the trust reposed in us be your sacred Majestie having weighed the compleaners just greevances and great interesse of this kingdome in that project, and finding suche ane inseparable and reciprocall dependence betuix salt and coale and thair workes (by whiche meanes onelie there is in this kingdome about ten thowsand people dailie interteanned) and that without the benefite of the salt these sumptous water workes and mynes required for maintenance and winning of the coale cannot be upholdin, and whiche being forsakin but for ane moneth the coale must perish never in anie age to be regaynned, and consequentlie the salt workes for ever, and the nomber of people foresaid depending upon coale and salt be reduced to extreme necessitie. We have lykewayes weighed how farre this overture both in the said limitatioun and restraint of forrane salt imports this kingdome in mater of shipping and in commerce and trade by whiche the halfe of our shipping is interteanned, ane great part of your Majesteis royall burrowes does live, trade and negotiatioun greatlie advanced to the increassing of your Majesteis customes and good of all your subjects, all whiche will greatlie suffer if the said overture sall have further course. Quhairfoir we humblie crave pardoun to represent the foresaids inconveniences of this kingdome and the petitioners humble desires to your Majesteis gracious and princelie consideratioun, and with this our humble opinioun that since thir your Majesteis kingdomes hes lived long in mutuall unitie, quhiche hes beene by Divine Providence begun in your father of ever blessed memorie, and have beene by your Majesteis royall and princelie care mainteanned to the good of both by a mutuall freedome of trade and speciallie of these commoditeis whiche either of your Majesteis realmes doe yeild ather by grouth or handie worke, as wes concluded in that treatie of the union, that thairfoir all suche projects as may tend to the interruptioun of that mutuall freedome of trade may be in thair beginning repelled, or if anie suche hes takin forder course that thair progresse and further executioun may be stayed at least until the estats of this kingdome may be heard. So humblie submitting the premissis unto your Majesteis owin incomparable judgement and fatherlie care of this your ancient and native kingdome, and hoping your Majestie will also prevent the verie beginnings of all suche others devices as may be plotted for the hurt thairof, we sall ever with best prayers and service remane, etc. Halyrudhous, 23 *Junij* 1631. *Subscribitur*, Hadintoun, B. Ros, Dumblane, Iles, Carnegie, Naper, Traquair, M^r^ of Elphinstoun, Arch. Achesoun, S^r^ Ro: Ker, S^r^ Thomas Hop, S^r^ G. Elphinstoun."

Royal Letters, 1623-38. Fol. 197, b.

Fol. 198, a.

Royal Letters, 1623-33. Fol. 198, a.

"May it please your good lordships, The consideratioun of the within complaints exhibited unto us at the Counsell table hes moved us to write unto his Majestie ane letter, quhairof we doe heerin send your lordships a copie, that both being perused be your lordships as the pryme officers of this kingdome and counsellers to his Majestie, yow may be honourablie pleased according to the petitioners humble desire and this our requeist to represent and assist the same towards his sacred Majestie for his trew informatioun and for preventing suche imminent dangers and losses as may ensew upoun the granting of the overtour and propositiouns propouned to his Majestie for limitatioun and restraining of salt; and in doeing heirof your lordships may doe his Majestie acceptable service, your countrie good, your selffes honour, and als oblige us to remaine, etc. Halyrudhous, 23 *Junij* 1631. *Subscribitur ut supra.*" Holyrood House, 23rd June 1631. Letter of Council to the Earls of Morton and Menteith, members of Council in London, anent the same.

Acta January 1631-May 1632. Fol. 70 b.

Sederunt—Privy Seal; Mairshell; Bishop of Ros; Bishop of Dumblane; Bishop of the Iles; Carnegie; Naper; Tracquair; Secretary; Advocate; Justice Clerk. Holyrood House, 28th June 1631.

"Forsameekle as by the tryell and examinatioun that hes beene tane anent the treasonable fyre raising and burning of M^r^ David Leitche, minister at Dundrennan, his dwelling hous, under silence of night, there is manie pregnant presumptions and diverse contrarieties in the depositiouns tane thereanent, and whereas this is a cryme most odious in the selffe and of a pernicious and wicked preparative and deserves exact and cleere tryell, and whereas there is sindrie persons unfitt for travell and some other poore people who can give some light and informatioun thereanent, and manie of thir poore people hes not the meanes to beare thair awne charges in comming to this burgh to depone thairin, thairfoir the Lords of Secreit Counsell for the ease and releefe of these people hes givin and grantit, and be the tennour heirof gives and grants, full power and commissioun to Alexander, Erle of Galloway, Johne Gordoun of Lochinvar, Sir Johne Charters of Amisfeild, Sir Robert Greir of Lag, Johne Foullertoun of Carletoun, Williame Gordoun of Kirkconnell, David Arnot of Barcappill, M^r^ Thomas Ramsay, moderator of the Presbyterie of Dumfreis, M^r^ Gawin Maxuell, moderator of the presbyterie of Kirkcudbright, M^r^ James Scot, clerk of the said presbyterie, and M^r^ James Adamsone, moderator of the presbyterie of Wigtoun, or anie twa of thame, provyding that one of the gentlemen and one of the ministers be of the twa and ever present, to conveene before thame the persons particularlie underwrittin they ar to say, etc. . . . and to examine thame concerning thair knowledge of the said treasonable fire raising, be whome and in what maner the same wes committed, who wer accessorie to or upon the counsell and foreknowledge of the same, and upon suche presumptions as may give light and discoverie of the Commission to Alexander, Earl of Galloway, and and others to examine witnesses anent the burning of the house of Mr. David Leitch, minister at Dundrennan.

same, and to sett doun thair depositiouns severallie in writt, and to report the same subscryved, sealed and closed to the saids Lords upon the 21 day of Julij nixt, to the intent that after consideration thairof they may take forder order heeranent as accords. Firme and stable halding and for to hald all and whatsomever the saids commissioners, or anie twa of thame, as said is, sall lawfullie doe heerin." Acta January 1631-May 1632. Fol. 70, b.

Charge to Thomas Lidderdale of the Ile and others to appear before the Council to give their evidence anent the burning of the aforesaid house.

"Forsameekle as for the better discoverie and tryell of the treasonable fire raising and burning of M^r David Leitche, minister at Dundrennan, his dwelling hous, under silence of night, to the great offence of God and disgrace of the justice of this kingdome, necessar it is that the persons underwrittin, they ar to say, Thomas Lidderdaill of the Ile, James Lidderdaill, appearand thairof, Patrik Foster, burges of Kirkcudbright, Hew Lindsey of Restarell, Johne M^cNaucht in Orchartoun, Thomas M^cClellane of Coline, Johne M^cClellane, his sone, etc., who ar thought can give some light and informatioun thairanent, be examined thairupon before the Lords of his Majesteis Privie Counsell, thairfoir ordains letters to be direct charging the persons particularlie abonewrittin to compeir personallie before the saids Lords upon the 21 day of July nixt to depone what they know or sall be demandit of thame in the mater foresaid, under the pane of rebellion, etc., with certification, etc." Fol. 71, a.

John Little, servitor to the Earl of Nithsdale.

"The whilk day Johne Litill, servitour to the Erle of Nithisdaill, wes ordained to find caution for the indemnitie of M^r David Leitche under the pane of ane thowsand merkes."

Mr. James Baird and Lord Gordon's roll of rebels.

"The whilk day M^r James Baird compeirand personallie before the Lords of Privie Counsell and being demanded upon oath if he knew anie thing of the roll produced and showin unto him and whilk wes givin to the Lord Gordoun conteaning the names of some rebellis and brokin men who had committed the heirships upon the Laird of Fendraucht, depouned he knew nothing thairin."

Anent the aforesaid roll.

"The Lords ordains the Laird of Fendraucht and M^r Roger Mouat to be warned to compeir before the Counsell upon Tuisday nixt to give thair oath concerning the said roll and if the roll produced wes that roll whilk wes delyvered to the Lord Gordoun."

Anent the Laird of Frendraught.

"The Lords nominats the Bishops of Rosse and Dumblane, the Advocat, Justice Clerk, and Justice Depute to examine the twa men sent heere be the Lord Gordoun anent the heirships and wrongs committed upon Fendraucht."

James Grant to be examined before the torture of John Meldrum.

"The whilk day it wes thought meit that James Grant sall be examined afoir the tortouring of Johne Meldrum, and the Lords appoints the morne at nyne of the clocke in the forenoone for his examination in the laich counsel hous of Edinburgh, and ordains him to be brought doun fra the Castell be the bailleis of Edinburgh, and that nane be suffered to speeke with him be the way; and that warrands be direct to the constable and keepers of the Castell of Edinburgh and to the bailleis of Edinburgh for this effect."

Decreta, March 1631-April 1632. Fol. 221, a.

[Sederunt as recorded above.]

Holyrood House, 28th June 1631.

Fol. 221, b.

Complaint by William Oliphant, servitor to Thomas M^cAwlay, Writer to to the Signet, and son to Harry Oliphant, also Writer, burgess of Edinburgh, as follows:—William Murrey, tenant to Nicol Udward, one of the bailies of Edinburgh, alleging that the complainer was due him a sum of money (of which in terms of the bond payment is not due till Whitsunday 1632), dealt with the said bailie, his master, to commit the complainer to prison until he found caution as law would. The said bailie, "misregarding that the compleaner wes ane burges sonne and that he hes beene resident within the said toun frome his birth, and lykewayes misregarding that he wes servant to ane member of the Colledge of Justice, and that the day and terme of payment wer not come, did caus his officiars in publict upon the hie streit seaze upon him in disgracefull maner upon the fyftene day of Junij instant, and committ him to waird within thair tolbuith," where he remained for six days, until the 21st, when he was forced to find caution. He has thus by this unusual procedure been "prejudged by and attour the losse of his charges of the benefite of his service, being ane young man living upon his handie labours in his maisters service, and so exposed to follow some other course." Charge having been given to the said William Murrey and the said bailie, and to the former to produce the said bond, and pursuer and defenders compearing, it was affirmed by the latter that the money was payable at Whitsunday 1631, but that the said William Oliphant had "vitiat" the bond by changing 1631 into 1632, and having failed in payment at the appointed term and "being resolved to have left the toun and being upon his flight" the said bailie caused commit him until he found caution. The said William Oliphant being strictly examined, affirmed that the said bond "come never in his hands since it was subscryved," but was continually in the possession of the said William Murrey, and Murrey and certain witnesses produced by him failing to substantiate the charge of vitiating the bond, although they proved that the term of payment was Whitsunday 1631, the Lords assoilzie the pursuer from this accusation, and remit to Murrey to seek payment of his bond in a lawful way before the ordinary judge. The Lords further find that the said Nicol Udward has done wrong in committing the pursuer to ward, "he being servant to ane ordinarie Writter to our soverane lords Signet and ane of the members of the Colledge of Justice, having his sattled residence and dwelling within the burgh of Edinburgh, and his leaving of the toun not being provin," and ordain him to pay the pursuer 10 merks for his expenses in ward; and they admonish the said bailie and the rest of the baillies of Edinburgh to forbear the like in time coming.

Complaint by William Oliphant, servitor to Thomas M'Aulay, Writer to the Signet, against William Murray, bailie of Edinburgh, for illegal warding.

Fol. 222, a.

Complaint by William Bishop in Currie, Elizabeth Ramsay, his spouse, and William Bishop, his son, as follows:—On 23rd November last James

Complaint by William Bishop in Currie, his

wife and son; against James Whitehead who refuses to remove from the house of the complainers as the Council had ordained.

Quhytheid in Currie compeared before their Lordships and enacted himself to remove himself and his family from the dwelling-house in Currie, where he presently remains, at Whitsunday last, under a penalty of 1000 merks, and he also enacted himself under the same penalty for the indemnity of the complainers. Nevertheless the said James Quhytheid still remains in the said house and has no intention of removing, and he has also since the date of the said act pastured a cow upon the lands of the said William Bishop, younger. Parties compearing and having been heard, the Lords ordain the defender to place the pursuers in possession of the said house, and so remove himself and family thence within eight days under the penalty contained in his former act.

Decreta, March 1631-April 1632. Fol. 222, b.

Continuance of protection to John Traill of Blebo.

"The protectioun grantit unto Johne Traill of Blebo for attending the ordering of his uncle's compts anent the intromissioun with his estait, continued to the saxteene day of August nixtocome."

Holyrood House, 30th June 1631.

Sederunt.—Hadinton; Linlithgow; Wigtoun; Bishop of Ros; Bishop of Dumblane; Bishop of the Isles; Carnegie; Naper; Tracquair; Secretary; Advocate; Justice Clerk.

Acta January 1631-May 1632. Fol. 71, b.

Declaration by Mr. William Hog, servitor to Mr. Roger Mowat, anent the roll produced in the name of Lord Gordon. See *ante*, p. 258.

"The whilk day Mr Williame Hog, servitour to Mr Rodger Mouat, compeirand personallie before the Lords of Privie Counsell, confest and declared that the roll produced in name of the Lord Gordoun conteaning the names of these who tooke away Fendraucht's goods wes writtin be him at command and directioun of the Laird of Fendraucht and his maister; in regarde whairof and that the names of these twa men whome the Lord Gordoun apprehendit and sent heere to thair tryell ar conteanit in the roll givin to the Lord Gordoun, ordains the Laird of Fendraucht to pay thair charges and expenses since they wer committed to waird, and finds and declaires that the Lord Gordoun hes tane the saids persons upon good ground and warrand and thairin hes done good service, and thairfoir exoners him of all cryme and offence that may be imputed unto him for and upon occasion of the taking of the saids twa persons, whois names ar Johne M°Olike Martine in Loquhaber and Doull Camranoch there."

Two Highland prisoners to be examined anent the theft of the Laird of Frendraught's goods.

"The Lords nominats the Secretar, Clerk Register, Advocat, Justice Clerk, and Sir Johne Scot, or anie twa of thame, to examine the twa Hieland prisouners lying in the tolbuith of the Cannogait tuicheing the taking away of the Laird of Fendraucht's goods."

Holyrood House, 30th June 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 223, a.

Supplication by John Lockhart of Bar that the Council will not grant protec-

Supplication by John Lokhart of Bar, as follows:—He has paid several sums of money for Mr. Matthew Crawfurd, and having now come to this country has dealt with the said Mr. Matthew for satisfaction thereof, but all he has been able to obtain is his bond in which he

Decreta, March 1631-April 1632. Fol. 223, a.

engages not to dispose of any of his property nor leave the country until he has given the supplicant satisfaction, upon pain of perjury and defamation in addition to whatever legal course can be taken against him. He has, therefore, also discharged himself from purchasing any protection from their Lordships without the supplicant's advice and consent, as the bond produced shows; and the supplicant craves that their Lordships will grant no protection to the said Mr. Matthew Crawfurd to the supplicant's prejudice, and unless he produce his consent thereto. To this the Lords agree and ordain accordingly.

tion to Mr. Matthew Crawford to the prejudice of the supplicant.

Supplication by Andrew, Lord Jedburgh, as follows:—His former protection expires this day, and although he has "beene trewlie carefull" to settle with his creditors, all things are not fully concluded, and he therefore craves an extension. The Lords grant to him till 1st November next.

Supplication by Andrew, Lord Jedburgh, for continuance of his protection.

Fol. 223, b.

Supplication by Sir Hew Wallace of Craigie, knight baronet, as follows:—The protection granted to him and his cautioners for attending upon the Lords of Exchequer to receive payment of £20,000 for his surrender of certain heritable offices, with which sum he intends to satisfy his creditors, expires this day, and as yet no course has been taken for his satisfaction in the matter. He therefore craves the continuation of the protection. This the Lords grant till the last of August next. The cautioners and creditors named are as in the former Act of 24th March 1631, *ante*, p. 180.

Supplication by Sir Hew Wallace of Craigie for continuance of his protection.

Fol. 224, a.

Supplication by John Tennent of Carnes, as follows: —The protection granted to him for coming to Edinburgh with reference to the decreet recovered by the Laird of Howstoun against him for some alleged arrears of the rents of Carnes expires this day. The matter not being yet settled he craves a continuation of his protection. This the Lords grant until the last day of August next

Similar supplication by John Tennent of Cairns.

Complaint by Thomas Lamb, messenger, as follows:—Sir James Balfoure, knight, Lyon King of Arms, alleging that he has obtained a decreet before their Lordships decerning him to pay to the said Lyon a yearly annuity of £6, and to observe certain injunctions, has caused charge the complainer to give him a bond for payment and observance thereof under pain of horning, and he intends to enforce the said horning. Now, he does so unjustly, because the complainer having produced his blazon and other warrants of his office before the said Lyon in a court held by him in July last, he was forced to give him the bond for which he is now charged before the Lyon would deliver his blazon and warrants foresaid, and this bond the Lyon has now in his possession. "And howbeit the exactioun of this annuitie be ane mater verie uncouth, never formerlie exacted by anie preceeding Lyouns, and whairin lykewayes the Lords of Privie Counsell ordained Sir Jerome Lindsey, lait Lyoun and James Winrahame, his clerk, keeper of the messingers bands, to have givin thair declaratioun, quhilk is not as yitt

Fol. 224, b.

Complaint by Thomas Lamb, messenger, against Sir James Balfour, Lyon King, for threatened illegal horning.

reported, and quhilk being trewlie made would discover the unjustnesse of the said Sir James his desire," yet the complainer has found caution in their Lordships' books for giving bond if it shall be found he ought to do so, and he therefore claims that the said horning should be suspended. The pursuer compearing and also Sir James Balfoure as defender, who produced the letters of horning and also the foresaid bond, the Lords find "the band foresaid, produced be the said defender as saidis, to be ane sufficient obedience of the charge execute aganis the said Thomas Lamb for giving of the said band," and therefore grant suspension. Decreta, March 1631-April 1632. Fol. 224, b. Fol. 225, a.

Holyrood House, 30th June 1631. Complaint by the Lord High Treasurer against Bessie Balfour and others for exporting victual in contravention of the Council's ordinance.

Complaint by William, Earl of Mortoun, Lord High Treasurer of Scotland, John, Lord Stewart of Tracquair, Treasurer Depute, and Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, as follows:—Their Lordships had discharged the export of wheat as being prejudicial to the commonwealth, yet in violation of the acts and proclamations made thereanent Bessie Balfoure, spouse to Henry Shankes in Kinghorn, Robert Hill, skipper there, Isobel Wilsoun, spouse to John Law there, Alexander Law, *alias* Clentrie, skipper, Isobel Hay, his spouse, David Duncane, skipper, John Wardlaw, skipper there, Helen Huchesoun, spouse to John Balcanquall, skipper there, William Kay, mariner, Margaret Stevinsoun, spouse to William Greeve there, David Miller, baker there, David Gourlay, mariner, Alexander Lindsey, skipper, James Fluiker, mariner, George Bervie, skipper, Alexander Law, *alias* Anstruther, Robert Meik, mariner, John Fergusone, merchant, Margaret Ball, relict of the deceased William Lamb, William Young, baker, Richard Ros in Brintilland, James Quhyte, merchant there, and Andrew Ranie, elder, skipper in Dysert, have each exported 100 bolls of wheat or thereby, and ought therefore to be punished. Parties being cited, and the Depute Treasurer and Advocate appearing to pursue, and of the defenders only Isobel Wilsoun, David Duncane, John Wardlaw, William Kay, David Miller, David Gourlay, James Fluiker, George Bervie, Alexander Law, Robert Meik, John Fergusoun and Richard Ros being present, and probation being referred to their oaths of verity, the Lords fine Robert Hill who confessed to exporting 6 firlots of wheat . . . [sum not named]; Isobel Wilsoun, who granted exporting 16 bolls, £32; John Wardlaw, who acknowledged exporting 7 bolls, £13 6s. 8d.; David Duncane, who granted exporting 8 bolls, £16: William Kay, who said he exported 3 bolls [sum not named]; David Gourlay, who confessed to 6 bolls, £18; Bessie Quhyte, who acknowledged 4 bolls, £6; and John Fergussoun, who acknowledged exporting 16 bolls, £32. The others who compeared and denied the charge, the Lords assoilzie. Letters are to pass against those convicted for payment of their fines within six days. The Lords remit the fines of Robert Hill and William Kay to the Treasurer, and dispenses altogether with that of James Fluiker in respect of his notour poverty. They also assoilzie the non-compearing defenders, as the pursuers' witnesses failed in their evidence against them.[1] Fines, 1614-31. Fol. 138, a.

[1] Here ends the Register of Fines.

Acta January 1631-May 1632. Fol. 71, b.

Sederunt—Chancellor; Privy Seal; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Melvill; Jedburgh; Naper; Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot. Holyrood House, 5th July 1631.

"The whilk day the missive letter underwrittin signed be the King's Majestie and directed to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right welbelovit cousine and counsellour, right trustie and right welbelovit cousines and counsellours, and trustie and welbelovit counsellours, we greit yow weill. Whereas we wer informed of a practise in appearace so pernicious and neerelie concerning us as we could not but take some tryell thairof both by our selfe and some of our Counsell appointed be us for that purpose, bot in the meanetyme becaus of some sinistrous rumors maliciouslie dispersed thairupon to the prejudice of our right trustie and right welbelovit cousines and counsellours, the Marqueis of Hamiltoun, and the Earles of Hadinton, Roxburgh and Buccleuche and some others,[1] least the lyke reports be brought unto your eares we have thoght good heirby to declare that not onelie we have found by the tryell wee our selffes have takin that they ar altogidder innocent and cleere thairof, bot lykewayes that the pryme informer thairof hath now cleered thame upon oath, testifeing thame (as we know thame to be) as good and faithfull subjects as anie we have in anie of our kingdomes. And for the bussines it selffe whensoever it salbe fullie tryed we will thereafter expresse our further pleasure concerning others interested thairin according as we sall find just caus ather in punishing anie persoun who sall be found guiltie or in punishing anie persoun that sall be found to have givin false informatioun. And whereas we have formerlie by our letters recommended unto yow our right trustie and right welbelovit cousine and counsellour, the Marqueis of Hamiltoun, for furthering the speedie levey and transportatioun of his men with all possible diligence, these ar agane to require yow to contribute the best helpe that your auctoritie or endeavours can affoord for that effect; quhairof, both out of the regarde we have to him and to that imployment, being verie confident of your best care, we bid yow fareweill. Frome our Court at Greenewiche the 29 of June 1631." Letter from his Majesty declaring that the Marquis of Hamilton and others have been falsely accused of a conspiracy.

Fol. 72, a.

"The whilk day the Lords of Secreit Counsell according to ane warrand and directioun in writt, signed be the Kings Majestie and this day presented unto thame, receaved and admitted Sir Robert Douglas, knight, to be one of his Majesteis Privie Counsell. Lykeas the said Sir Robert, being personallie present, and acknowledging with all humble and Sir Robert Douglas admitted into the Council.

[1] James Stewart, Lord Ochiltree, had accused the Marquis of Hamilton of a conspiracy to seize the Scottish throne by means of the troops he had been commissioned to raise for service under Gustavus Adolphus. The proceedings taken against Ochiltree will appear in subsequent pages of the Register.

dewtifull respect his Majesteis gratious favour shawin unto him in preferring of him to this place of honnour and dignitie, he with all submissive reverence on his knees made and gave his solemne oath of alledgeance, and oath of a privie counsellour. Followes his Majesteis missive for warrand of the act abonewrittin :—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellers, we greit yow weill. Understanding perfytelie of the sufficiencie of our trustie and weilbelovit Sir Robert Douglas, knight, and of his affectioun to our service, we ar moved in regarde thairof and for his better encouraging and enabling for our said service to advance and promove him to be one of our Privie Counsell of that our kingdome. Thairfoir our pleasure is, and we doe heirby require yow, that, having administred unto him the oath accustomed in the lyke caises, yow admitt him to be one of our Privie Counsell, receaving him in that place as one of your nomber, for doing whairof these presents sall be your sufficient warrand. And we bid yow farewell. From our mannour at Greenewiche the nynth day of Junij 1631." Acta January 1631-May 1632. Fol. 72, a. Fol. 72, b.

Commission to George, Lord Gordon, to arrest and present before the Council Margaret M'Kieson, nurse to the Lady Frendraught, who is suspected of being a party to the burning of Frendraught.

"Forsameikle as the Lords of Secreit Counsell ar credible informed that Margaret McKiesone, lait nurse to the Ladie Fendraucht, hes beene upon the counsell, device and executioun of the treasonable fire raising and burning of the Lord Melgame, the Laird of Rothemay and others within the towre of Fendraucht in the moneth of October last, for the better tryell and cleering of whiche bussines necessar it is that the said Margaret be exhibite before the Counsell there to be examined concerning her knowledge of the said fact, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full warrand, power and commissioun to George, Lord Gordoun, and to suche others as he sall appoint, for whome he sall be answerable, to pas, searche, seeke and take the said Margaret McKiesone where ever she can be apprehendit, and to bring, present and exhibite her before his Majesteis Counsell to be tryed and examined upon suche particular interrogators as sall be givin in aganis her concerning the purpose aforesaid. Firme and stable halding and for to hald all and whatsomever things the saids commissioners sall lawfullie doe heerin."

Charge to all the lieges to forbear all intercourse with Yorkshire and Lancashire during the prevalence of the plague in these shires.

"Forsameekle as the Lords of Secreit Counsell ar surelie informed that it hes pleased God to visite sindrie parts within the shirefdoms of Yorke and Langcastershire in England with the contagious sickenesse of the pest, quhilk in respect of the frequent and daylie intercourse of commerce and trade betuix the subjects of this kingdome and these of the twa shirefdomes foresaids may prove verie dangerous to this kingdome if all lawfull meanes be not used quhilks at the good pleasure of God may prevent the same, and thairfoir the saids Lords, after verie good advice and deliberatioun, hes thought meit and expedient, concluded and ordained, that all intercourse of commerce and trade betuix the subjects

Acts January 1631-May 1632. Fol. 72, b. Fol. 73, a.

of this kingdome and those of Yorkeshire and Langcastershire during the continuance of the plague in these shires sall be altogidder forborne; and for this effect ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places neidfull that nane of thame presoome nor take upon hand during the continuance of the plague of pestilence within the twa shirefdomes foresaids to interteane anie commerce or trade with the inhabitants of the same, nor to bring anie commoditeis frome thence to this kingdome, nor to transport anie commoditeis thither upon whatsomever cullour or pretext under the pane of dead. And whereas there is sindrie subjects of this kingdome presentlie within the saids shirefdomes of Yorke and Langcastershire following thair trade to whois knowledge this prohibitioun and discharge cannot in convenient and dew tyme come, thairfoir to command and charge all suche of his Majesteis subjects of this kingdome who at this tyme ar trading within the saids shirefdomes of Yorke and Langcastershire be opin proclamatioun, as said is, that at thair returne home they make thair addresse directlie to thair loodgings and that they in no wayes presoome nor take upon hand to come furth thairof nor to open thair packes, nor to make sale of anie of the commoditeis or goods being within the same till first they acquaint the magistrats of the burrowes and touns where they dwell from whence they ar come and what commoditeis they have brought home to the intent the saids magistrats may give order and directioun for thair enclosing and tryell and for opening up of thair packes and handling of the commoditeis and wairs being within the same, and that they obey the directiouns to be givin unto thame be the saids magistrats in everie point under the pane of dead."

Decreta, March 1631-April 1632. Fol. 225, a.

[Sederunt as recorded above.]

Holyrood House, 5th July 1631.

Complaint by Katharine Wilson and John Smith in Dunce against James Mowat late Sheriff-Clerk of Berwick, for falsely accusing them of witchcraft.

Complaint by Katharine Wilsoun and John Smith in Dunce, as follows:—Their Lordships have discovered "the grosse oversight committed be James Mowat, lait sheriff clerk of Bervick, in the depositiouns of umquhill Alexander Hamiltoun, latelie brunt for witchecraft, and how the said James wronged himselfe in his awne depositiouns made in presence of the saids Lords concerning that mater; lykeas he hes now verie farre wronged the compleaners and others his Majesteis subjects, both in thair fame and credit and hes dealt and travelled verie unchristianelie and uncharitablie to bring upon thame ane imputatioun of the foule and detestable cryme of witchecraft, and by his bussie practises and suggestiouns hes brought ane foule slaunder upon thame; and in speciall he dealt and travelled with one James Home in Dunce, who wes latelie execute for murder, to make some depositiouns and confessiouns aganis the compleaners, as may appeare by his declaratioun

made in presence of the ministers of Polwart, Bonkill, Swintoun and Ellem, and baillies of Dunce, quhairin he freelie and willinglie of his awin proper motive and with great remorse of conscience, being humbled on his knees, confest and depouned that amongs the rest of his great sinnes whairwith he wes troubled at the tyme of his death, this wes one of the greatest that falselie and unjustlie he had slaundered the compleaners as practisers of witchecraft, and that he wes moved thairto be the said James Mowat, who tooke him to Archibald Littills hous in Dunce and there upon maine faire offers and promises of good deid moved him to subscryve ane depositioun dytted be himselfe and writtin be Patrik Abernethie, his servant, conteaning ane nomber of untruthes aganis the compleaners." This deposition by the said James Home they produce." They can prove by honest and famous witnesses that the said James Mowat "hes writtin and givin out dittayes aganis them in the names of M^r^ Johne Wemes and M^r^ Samwell Sinclare, ministers, Patrik Abernethie, Robert Mudie and Williame Furde in Dunce, and Elspitt Quhyte," without the knowledge of or any instructions by these persons, and he has also dealt with Archibald Littill, Patrik Miller, Thomas Balfour and Thomas Home in Dunce, and David Nisbitt in Kymmerghame, to make accusations against the complainers. Charge having been given to M^r^ John Weymes, minister at Dunce; M^r^ Alexander Cas, parson of Polwart; M^r^ Samuel Sinclare, minister at Langtoun; John Gaittis, minister at Bonkill; Leonard Johnstoun, minister at Ellem; M^r^ Walter Swintoun, minister at Swintoun; William Strauchen, bailie of Dunce; Robert Mudie, notary there; Archibald Littill, Patrick Abernethie, Patrick Miller *alias* Howstoun, notary, William Furde, and Thomas Balfour, officer, all in Dunce, and Thomas Home, to compear this day as witnesses in this matter, and the said James Mowat also having been cited, Katherine Wilsoun compeared by James Ruchheid, her son, and John Smith and James Mowat personally. All the witnesses also appeared and on examination verified the complaint. James Mowat being himself examined with reference to the deposition made by the said James Home when near his death, declared it was untrue and that he never suborned him to make accusations against the said Katharine as alleged; but he acknowledged that the deposition signed by the ministers and others was a true record of what James Home deponed. Wherefore the Lords find "that the said James Mowat hes beene maliciouslie bussie and fordward in seeking out and taking up of dittayes aganis the said Katharine Wilsoun, without the knowledge, privitie and allowance of the parteis whome the same concerned, and that he hes travelled with others to give up and subscryve dittayes aganis the said Katharine, assuring thame that they would never be challenged nor callit in questioun for the same, whiche they refuised to doe in respect they nather knew anie thing of the saids dittayes, nor of the said Katharine her guiltinesse of the same; and that in so doing the said

Decreta, March 1631-April 1632. Fol. 225, a.

Fol. 225, b.

Fol. 226, a.

Decreta, March 1631-April 1632. Fol. 226, a.

James hes cruellie and violentlie persewed the said Katherine, and hes imployed his whole studie and endeavoure, and hes done what in him lay to have brought upon her the heavie imputatioun of witchecraft and sua to have drawin her credite, life and estait into danger, committing thairby a manifest wrong and injurie aganis the said Katharine of a most malicious and dangerous preparative and exemple," and they ordain him to be warded in the tolbooth of Edinburgh until he be censured and punished according to the nature and demerit of his offence.

Fol. 226, b.

Complaint by Alexander Telfer, merchant-burgess of Edinburgh, against Lady Stanehouse and her husband, for contempt of horning.

Complaint by Alexander Tailyefeir, merchant burgess of Edinburgh, and Marion Williamesoun, his spous, as follows:—On 24th January and 1st February last Agnes Maxwell, Lady Stanehous, and Cuthbert Hamiltoun of Cander, her husband, were put to the horn at the complainers' instance for non-payment of debts amounting to over £656 10s., of which horning they take no heed. The complainers compearing by Samuel Tailyefeir, their son, but the defenders not compearing, the Lords ordain letters to be issued charging the Sheriff of Lanerk and his deputes to search for, apprehend and ward the defenders, and to seize their houses and goods within three days after the charge, upon pain of rebellion.

Fol. 227, a.

Complaint by Mr. William Murray in Ardowne against Sir George Gordon of Gight for wearing hagbuts and for assault.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Mr. William Murray in Ardowne, as follows:—In contravention of the laws forbidding the wearing of hagbuts and pistols, Sir George Gordoun of Geicht on Sunday 19th June last, came armed with swords and pistols to the complainer's parish kirk of Monfuthe and waited there for him until the preaching was ended. "After sermoun, the compleaner being gone to dinner in the dwelling hous of Jerome Lindsey in Monfuthe, the said Laird of Geicht sent for him desyring him to come and speeke with him, quhilk the compleaner having obeyed he first entered in ane faire and pleasant discourse with him about certane purposes untill he had drawne him farre out of the toun to the feilds frome the sight of all people, and than he began to forge certane querrells aganis the compleaner, and er ever he wes awar the said Laird drew his sword, strake out a nomber of straikes at the compleaner, and had not failed to have slaine him, wer not his awne better defence." The pursuer compearing but the defender not, the Lords heard evidence of witnesses with reference to that part of the complaint accusing the Laird of Geicht of wearing unlawful weapons and find it proved that he carried pistols on the occasion libelled, wherefore they ordain him to be charged to enter into ward in the tolbooth of Edinburgh and there remain until he compone with his Majesty's Treasurer for the same, within ten days after the charge; and if he disobey, to denounce and escheat.

Fol. 227, b.

Complaint by Uchtred M'Dougall against Sir James Blackadder, Sheriff of

Complaint by Uthrid M°Dougall of Mondurke, as follows:—Their Lordships had decerned him to pay a fine of 500 merks, being 100 to his Majesty and 400 to William Trotter, whom he hurt with a hagbut, besides paying the chirurgeon for curing him. For the same cause the

Berwick, for imposing a fine on the complainer for an offence for which he had already made compensation.

Sheriff of Berwick and his deputes have summoned him before them and convicted him of "twa bloodweits"; and for payment of the fine imposed by them therefor, have seized five cows with their followers, and a horse worth 100 merks belonging to the complainer. Charge having been given to Sir John Home of Blacader, as sheriff principal of Berwick, and Robert Cockeburne of Blacksmylne, as sheriff depute, and they and the pursuer compearing personally, the defenders explained that they had poinded the goods foresaid for payment of the sheriff's fees in connection with the case of William Trotter. The Lords, after hearing parties, sustain the procedure of the defenders, but exoner the pursuer of the fine of 100 merks which they ordained him to pay to his Majesty.

Decreta, March 1631-April 1632. Fol. 228, a.

Supplication by Alexander Gordon of Carnebarrow that the date for his leaving the country on account of his religion may be postponed.

Supplication by Alexander Gordoun of Carnebarrow, as follows:—He came under caution in the books of Privy Council either to conform to the religion presently professed, or leave the country before 15th September last. He was fully resolved to adopt the latter alternative, but in the meantime it pleased God to visit his aged father with sickness, and "the dewteis of nature and conscience" obliged him to remain in attendance upon his father until , when it pleased God to call him to his mercy. He craves that in the circumstances their Lordships would appoint him another day, by which time he may be able to determine his line of conduct. The Lords assign to him the term of Martinmas next, Robert Gordoun of Garloche becoming cautioner for him that by that time he will either conform to the true religion or leave the country, under the penalty of £500; as also that he will pay the sum of £500 already incurred by him to his Majesty's Treasurer, and compone for his escheat; and, further, that meanwhile he will not reset jesuits and priests, and will admit and hear conference and resort to church; otherwise their Lordships, on learning from the Bishop of Murrey of his disobedience, will recall this warrant, and proceed against him with all rigour and severity.

Fol. 228, b.

Supplication by John Little, servitor to Robert, Earl of Nithsdale, for continuance of protection that he may attend his examination anent the burning of the house of Mr. David Leitch.

See *ante*, p. 258.

Supplication by John Littill, servitor to Robert, Earl of Nithisdaill, as follows:—The protection granted to him for attending upon the Justice anent the burning of the house of Mr. David Leitche, minister at Dundrennan, expires upon the 10th instant, and his trial has been continued until the 22d, the Justice having put him under caution to keep ward within the burgh of Edinburgh. He therefore craves an extension of the period of his protection; and the Lords grant him until the last day of July next.

Fol. 229, a.

Complaint by Mr. George Roull, minister at Mordington, and George Moffat, his servant, who have been charged to find

Complaint by Mr. George Roull, minister at Morvingtoun, and George Moffat, his servant, as follows:—They have been charged at the instance of Sir James Douglas of Morvingtoun, Alexander Torrie in Morvingtoun, Patrick Torrie there, and Alexander Lawder, brother of Robert Lawder of Edringtoun, to find lawburrows to them under the penalties of 500 merks and 300 merks respectively. Now these persons cannot make faith that they dread bodily harm at the hands of the complainers,

Decreta, March 1631-April 1631. Fol. 229, a.

and, moreover, the amounts are far beyond what the laws prescribe, the said Mr. George Roull being in no better condition than a yeoman, who is only required to find caution in 100 merks, and the said George Moffat being but a poor servant, whose caution should not exceed £40. law-burrows to Sir James Douglas of Mordington and others.

Fol. 229, b.

However, to eschew the danger of horning they have found caution as charged, and they crave that the charge be suspended. Charge having been given to the said Sir James Douglas, Alexander Torrie, and Alexander Lawder, who appear by Mr. Laurence Oliphant, their procurator, and the pursuers being personally present, the Lords, after hearing parties, suspend the letters of horning as craved and modify the caution to be found by the pursuers to the sum of £100 in the case of Mr. George Roule, and £40 in the case of George Moffat.

Sederunts, November 1629-January 1635. Fol. 59, b.

"The Lords remitts the consideratioun of his Majesteis letter concerning Johne Meldrum to Thurisday nixt, and ordains the haill processe to be in readinesse that day." His Majesty's letter anent John Meldrum.

"The quhilk day the Lord Chancellour exhibit a patent grantit be his Majestie in favours of Sir William Alexander, knight, his Majesteis principall Secretare of Scotland and heretabill Lieutennent of New Scotland, quhairby his Majestie wes pleased for the good and faithfull service done be him to his Majestie and for his chargeable undertaking of the plantatioun of New Scotland to make and constitute him Vicount of Stirline, Lord Alexander of Tillibodie. Quhilk patent in absence of the said Vicount wes delyvered to the Lord Tracquair, who with all dewtifull and humble respect receaved the same in his name. The patent daited at Windsore the 4 of September 1630." Sir William Alexander created Viscount of Stirling, Lord Tullibody.

Acta January 1631-May 1632. Fol. 73, a.

Sederunt—Chancellor; S^{t} Andrewes: Privy Seal; Wintoun; Lin-lithgow; Wigtoun; Galloway; Bishop of Dunkeld; Bishop of Aberdein; Bishop of Ros; Bishop of Dumblane; Bishop of the Yyles; Lord Areskine; Lord Melvill; Lord Naper; Lord Tracquair; Advocate; Justice Clerk; Sir Robert Ker; Sir James Baillie; Sir Robert Douglas. Holyrood House, 7th July 1631.

"The Lords of Secreit Counsell ordains ane double of the letter sent doun frome his Majestie for cleering the Marqueis of Hamiltoun, the Erles of Hadintoun, Roxburgh and Buccleuche of a practise falselie surmised to have beene intendit be thame aganis his Majesteis sacred persoun, to be delyvered to the President of the Sessioun, the Deane of Facultie, the counsell of Edinburgh and others persons of qualitie for thair better satisfactioun anent the truthe and cariage of that bussines and of the noblemen thair innocencie thairof." Anent his Majesty's letter concerning the surmised conspiracy of the Marquis of Hamilton and others. See *ante*, p. 263.

Fol. 73, b.

"The Lords of Secreit Counsell ordains his Majesteis Thesaurar and Deputie Thesaurar to answere and make payment to the Erle of Lin-lithgow, his Majesteis Admirall, of suche soumes of money as sall be Anent the equipment of two ships for the pursuit of pirates.

requisite towards the outred, manning and victualling of twa shippes for persute of some pyrats lying in the West Seas." Acta January 1631-May 1632. Fol. 73, b.

Anent the same. "The Lords of Secreit Counsell ordains and commands the provests and baillies of Glasgow, Dumbartane, Air and Irving to assist the Lord Admirall with men, victuall and others necessars for pursute of some pyrats lying in the West Seas."

Anent the Laird of Frendraught. "The Lords of Secreit Counsell freeths and releeves the Laird of Fendraucht of the interteanement of the twa Hieland men sent heere be the Lord Gordoun and now prisouners in the tolbuith of the Cannogait frome this day furth and in tyme comming."

Anent the pirates. "The Lords of Secreit Counsell ordains the Lord Admirall that in agreing with the maisters of the shippes whome he is to conduce and imploy aganis the pyrats in the West Seas he give unto thame suretie for satisfactioun of thair losse in caise their shippes sall happin to be sunke."

William Campbell committed to ward in connection with the escheated house of Caddell. "The whilk day in presence of the Lords of Secreit Counsell compeired personallie Francis Douglas, brother to the Erle of Angus, for obedience of his act whereby he wes bound to exhibite Williame Campbell, who being examined upon the breaking up of the doores of the hous of Caddell after that the same wes seazed upon to his Majesteis use, depouned that the said Francis Douglas, being donatour to Caddells gift of escheat and finding that the bridge by storme of weather being brokin doun had lykewayes brokin doun Caddells yett, the said Williame thairupon in his maisters right mendit the bridge and caused make ane new key to the utter yett; for the quhilk his contempt the saids Lords ordains him to be committed to waird in the tolbuith of Edinburgh thairin to remaine till he be releeved. And the Lords declaires that during his imprisonment he sall be free of all arrestments and sall not be detained for anie other caus."

See *ante*, p. 234.

Caution for Francis Douglas anent the escheated house of Caddell. "The whilk day Sir James Douglas, brother to the Erle of Angus, become actit and obleist as cautioner and souertie for Francis Douglas, his brother, that the said Francis sall not meddle with the hous of Caddell nor take possessioun thairof till he recover decreit thereanent before the judge ordinar under, the pane of ane thowsand merkes. Lykeas the said Francis produced the key of the utter yett whilk wes givin up to the Thesaurar Depute."

Holyrood House, 7th July 1631. [Sederunt as recorded above except Tracquair.] Decreta, March 1631-April 1632. Fol. 229, b.

Complaint by Thomas Allan and others, messengers, against Sir James Balfour, Lyon King, whom they accuse of Complaint by Thomas Allen, David Thomesoun, John Wardlaw, Duncan Ritchie, Thomas Young, John Gellie, Hew Lawder, John Layng, James Leslie, James Bissat, George Gordoun, Robert Dagleisch, James Hamiltoun, John Sterline and James Mairshell, messengers, for themselves, and in name of the remanent messengers of Edinburgh, as follows:—They have raised an action before the Lords of Counsell and Session

Decreta, March 1631-April 1632. Fol. 230, a.

against Sir James Balfour of Kynnaird, Lyoun King of Armes, and his clerk and brother heralds, for discharging his exacting from them an annual fee of £6 or 10 merks, rectifying certain other abuses used towards them, and reducing the bands which he has taken from them for payment of this annual fee and holding two head courts peremptorily every year. These bands, they allege, were only obtained from them by circumvention, the said Lyoun having convened the complainers to a court the morning after his inauguration to produce the warrants of their offices, which, when they had done, he caused his clerk keep until they subscribed these bands. The said Lyoun has now caused Thomas Lamb, messenger, to be charged to fulfil a decreet obtained against him before their Lordships for giving him a band for the said annual fee, and the said Thomas Lamb has suspended the charge, but the Lyoun intends, if the suspension is discussed in his favour, to oppose the same before the Lords of Session. Now, the complainers were never cited to the giving of the said decreet, for if they had been, they had their defences ready, as, viz., that several of the complainers were not bound in their former bands to pay any such annual fee to the late Lyoun, and if they were in use of paying it, which they never were, it was voluntary "for a benefite to the compleaners themselffes for receaving thair offices quhilks they have *ad vitam vel ad culpam titulo oneroso.*" And if the Lyoun may impose this yearly fee upon them he may as justly demand payment anew of the £100 or 100 merks which they paid at the time of their admission. Parties being cited, and a number of the foresaid messengers appearing and also the said Sir James Balfour, the Lords, after hearing them, find that their decreet in the case of Thomas Lamb shall in no wise militate against the pursuers nor be extended against them nor the rest of the messengers who were not called to the pronouncing thereof, and that Sir James shall be heard to oppose the same against them, but that they and the rest of the messengers may propose their lawful defences against it.

unjustly exacting from them an annual fee of £6.

Fol. 230, b.

Protest by Mr. Alexander Wedderburn, procurator for the magistrates of Dundee, against a proceeding of William Alexander, merchant-burgess of the said burgh.

This day Mr. Alexander Wedderburne, as procurator for the provost and bailies of Dundee, produced a copy of letters of charge at the instance of William Alexander, merchant burgess of Dundee, against the said provost and bailies, to have appeared before their Lordships and received order to liberate him, they having apprehended him while under his Majesty's protection, and the debt for which he is warded being his own debt or a cautionry for Archibald Kid; and in respect that no appearance was made for the said William Alexander, he protested that as he was ready to answer the summons, no further proceedings should be allowed in the case till the said provost and bailies were summoned of new, and their expenses paid. The Lords allowed the protest.

Fol. 231, a.

Complaint by Uchtred M'Dougall of

Complaint by Uthrid McDougall of Mondurke, as follows:—Their Lordships have fined him in 400 merks to be paid to William Trotter in

Mondurke against William Trotter in Blackburnrig and John Ker, surgeon-barber, for illegal warding.

Blaikburnerig, for having shot at him with a hagbut, and they also ordained him to find caution for satisfying "the barbair." He is most willing, according to his power, to pay both, but "the barbar" craves "ane verie exorbitant pryce" which the complainer cannot pay. While thus in process of agreement the said William "craftilie staw the compleaner to the horne, tooke him be captioun when he wes paying ane certanne somme of money to his creditours, and committed him to ward within the tolbuith of Edinburgh where he presentlie remaines." Charge having been given to the said William Trotter and John Ker, "Barbar," and they and the pursuer compearing personally, the Lords modify £100 as the satisfaction to be given to the chirurgeon, and ordain the provost and bailies of Edinburgh to put the pursuer to liberty, he having given bond to pay the sums due by him within eight days under a penalty of 10,000 merks, to be divided equally between "the partie and the chirurgian." Decreta, March 1631-April 1632. Fol. 231, a. Fol. 231, b.

Supplication by Andrew Dickson, master shipwright to his Majesty, that he may be protected from his creditors till he has received certain sums due to him from the Treasury.

Supplication by Andrew Dicksoun, master shipwright to his Majesty, as follows:—In the discharge of his Majesty's service he has not only used his own money but contracted some debts, and though their Lordships ordained his Majesty's Treasurer to repay him, he can get no payment, and so is disabled from paying his creditors, who, having used all legal diligence against him, now threaten him with caption and other execution. He craves their Lordships' protection that he may be unmolested until the money due to him from the Exchequer be paid. The Lords grant him their warrant till Martinmas next.

Protection granted to Sir George Crawford of Lefnoreis that he may satisfy his creditors.

Supplication by Sir George Crawford of Lesnoreis [*sic*] as follows.—He is earnestly desirous to relieve himself of the great burden of debt which he underlies, and is resolved to sell his lands for satisfaction of his creditors, but owing to some hornings against him he cannot come to Edinburgh to advise with lawyers for preparation of the securities, and therefore craves their Lordships' warrant to that effect. The Lords grant him until 31st July next. Fol. 232, a.

Similar protection to John Stewart of Coldingham.

"The lyke protectioun grantit to Johne Stewart of Coldinghame for attending the fitting of his compts with Robert Douglas of Blaikester and Alexander Cranstoun of Morestoun until the last of Julij instant."

Similar protection to Sir John Ker of Langnewton and his brother.

"Another protectioun grantit to Sir Johne Ker of Langnewtoun and Mr Williame Ker of Mylnerig, his brother, for sattling with Sir Robert Ker of Ancrome anent thair fathers estait untill the first day of August nixt."

Letter from his Majesty anent lights on the Skairheids.

"A letter frome his Majestie for setting up of lights upon the Skairheids, a copie whairof ordained to be delyvered to the Burrowes, and the toun of Edinburgh to report thair opinioun thereanent upon Tuisday." Sederunts, November 1629-January 1635. Fol. 60, a.

Holyrood House, 9th July 1631.

Sederunt—Chancellor; Privy Seal; Wintoun; Bishop of Ros; Bishop of Dumblane; Naper; Traquair; Clerk Register; Justice Clerk; Sir James Baillie; Sir Robert Douglas. Acta January 1631-May 1632. Fol. 74, a.

Acts January 1631-May 1632. Fol. 74, a.

Anent the precedence of the Advocate and the Secretary.

"Anent the questioun moved before the Lords of Secreit Counsell be Sir Archibald Achesone, knight and baronnet, his Majesteis Secretarie, tuiching the wrong alledgit done to him in his place of Secretarie in the Commission of the Exchecker now readie to be sealed, quhairin the said Secretarie is ranked after the Clerk of Register, Advocat and Justice Clerk, and is designed thairin to be secund Secretarie aganis the course of former commissions of Counsell and Exchecker and all others writtings whatsomever and to the prejudice of the said Secretarie his place, compeired Sir Thomas Hope of Craighall, knight and baronnet, his Majesteis Advocat, and alledgit that there wes no wrong done to the said Sir Archibald in postponing of him to the said Clerk of Register, Advocat and Justice Clerk, becaus the commissioun being formed, docquetted and sent up blanke to his Majestie in the names and returned backe agane blanke under his Majesteis hand to be filled up with the names the said Advocat filled up the same according to the Act of Secreit Counsell made in *anno* 1623 for ranking of the counsellers within the counselhous and conforme to ane declaratioun of Parliament made be umquhill King James of blessed memorie in *anno* 1617, in the quhilk act the rankes and places of counsellers ar sett doun and the officiars of estait ar ordained to have place before all others not being officiars of estait, and the said Sir Archibald, not being principall Secretarie, cannot be ane officiar of estait, becaus be the said Act of Parliament made in *anno* 1617, the officiars of estait ar reduced to the nomber of eight, of whome the principall Secretarie, the Clerk of Register and Advocate ar three, but no place givin to another Secretarie thairby but onlie to the principall Secretarie; and the said Sir Archibald not having vote in Parliament and articles induring the principall Secretars lyfetyme he cannot nor aucht not to have place before the saids officiars of estait who ar immediatlie subjoyned in thair awne order to the Secretarie principall. And albeit his Majestie hes beene pleased to erect the place of secund Secretarie (whilk wes never in Scotland of before bot the place of Secretarie in caise of his absence wes supplied be a depute as is constant be the Acts of Parliament and Counsell), yitt it is not his Majesteis pleasure thairby to prejudge the others officiars in thair priviledges quhilks they have and injoy by Acts of Parliament and Counsell anteriour to the said erectioun. Lykeas in the patent givin to the said Sir Archibald of the office of Secretarie there is speciall reservatioun to the Lord Viscount of Stirline, principall Secretarie, of all the honnours and digniteis of the place during his lyfe-

Fol. 74, b.

tyme. And if the said Lord Viscount be first and principall Secretarie that of necessitie the said Sir Archibald must be secund. And if the said Sir Archibald sall be placed immediatlie nixt to the principall Secretarie he sould be preferred to the Thesaurar Depute who be the said Act of Counsell is putt in the last place of the said officiars of estait becaus last erected. And it is absurd to mainteane that the secund Secretarie sould have place before the Thesaurar Depute who hes

als neere relatioun to the principall Thesaurar as the secund Secretar to the principall Secretar. Unto the quhilks alledgeances the said Sir Archibald oppouned the custome of all his Majesteis dominiouns and of all other forrane nations, and he produced his patent and gift of his place under the great seale as his Majesteis Secretarie of Estait of his kingdome of Scotland without additioun of the word secund, and bearing all honours and precedenceis injoyed be anie of his predecessours and cled with ane uninterrupted possessioun of precedencie and ranking in all former commissiouns, letters, proclamations, decreits and sederunts of rankings of Parliament, Counsell, Sessioun and Excheker; and also desired the said Act of Counsell and declaratioun of Parliament to be produced as evidences to demonstrat his precedencie before the Advocat, conforme to the custome of all nations; and so being his Majesteis Secretarie he is ane officiar of estait als principall as Sir Johne Cooke in England or the Lord Montnoreis in Ireland; and there wes never anie suche designatioun in Scotland as that of secund Secretarie nather is there anie mentioun of principall Secretarie in the said Act of Counsell made in *anno* 1623 nor Act of Parliament made in *anno* 1617 but onlie of Secretarie; and his Majestie in all his letters and commissions, and the Lords of Privie Counsell in all thair letters and commissions writteth ever the said Sir Archibald his Majesteis Secretarie, without additioun of Secund. And where it is alledgit that the said Sir Archibald is no officiar of estait nor hes no vote in Parliament nor Articles except his Majestie use his service thairin in absence of the Lord Viscount of Stirline or some other officiar of estait, yitt he hopeth no wise man can say bot ane Secretar of estait and kingdome is ane officiar of estait and of more eminent trust and neerenesse to his Majestie than the Advocat; lykeas the remanent officiars of estait, viz., the Clerk of Register, Justice Clerk and Maister of Requeists never as yitt did nor now doeth anie wayes questioun the Secretarie his precedence or ranking before thame. And as concerning the Act of Counsell made in *anno* 1623 it is answered the same wes onelie made for ranking of the counsellers in the counselhous and no where ellis, and there wes than onlie one Secretar in the kingdome who wes then ranked before the Clerk of Register and Advocat, and if there had been two Secretareis than no doubt bot they wald have beene ranked also before the Advocat; lykeas how soone his Majestie made Sir Williame Alexander Secretarie with the Erle of Hadintoun he immediatlie injoyed place and precedence before the remanent officiars of estait who wer not noblemen. Nather ever did the said Sir Thomas Hope or anie other of his Majesteis Advocats offer to take place or precedence before anie of his Majesteis Secretars, nather wes it ever seene in anie of his Majesteis dominiouns or in anie forrane kingdome that the King's Advocat had place before ane Secretar of Estait; nather can it be imagined that ane Secretar of Estait who writteth letters and pacquets

Acta January 1631-May 1632. Fol. 74, b.

Fol. 75, a.

Acta January 1631-May 1632. Fol. 75, a.

for the Estait to the King and frome the King to the Estait and frome both to forrane kings and estaits can be excluded frome being ane officiar of estait, bot that in absence of one Secretar his Majestie may use the other even in Parliament; or that in absence of umquhill Sir Williame Oliphant his Majestie might not have used the said Sir Thomas Hope, his Majesteis other Advocat, or that now if the said Sir Thomas wer visite with sicknesse or had another Advocat joyned with him, bot that his Majestie might use that other Advocat in Parliament or elliswhere as ane officiar of estait in absence of the other for his Majesteis service. And forder it is alledgit that in the said Act of Counsell the Viscounts ar ranked after the Erles and before the Bishops, after whome ar the temporall lord barons and after thame the officiars of estait amongs whome the Secretar is ranked before the Advocat, and the Lord Viscount of Stirline cannot be accounted that man who is to be ranked after the lord barons, he being a Viscount, bot it is some other Secretarie who is to be ranked, viz. Sir Archibald Achesone who in his gift is styled Secretarie *pure et simpliciter* without additioun of the word Secund, and unto whome by the said gift ar grantit all honnours, digniteis and precedenceis formerlie injoyed by anie of his predecessours. And whereas it wes alledgit be the said Advocat that in the Act of Parliament made in *anno* 1617 there wes ane reducement of all officiars of estait to the nomber of eight, it is answered that there is no suche Act yitt made nor published. It is trew that in the said Parliament, 1617, when some of the nobilitie spake aganis the voting of officiars of estait, after searche of the registers it wes reported to the King and Parliament be the than Clerk of Register, who is now Lord Chanceller, that sometymes the officiars of estait who voted in Parliament wer abone eight and sometymes fewer than eight, and that thairfoir his Majestie than declared that no more officiars of estait than aucht sould have vote in Parliament nor articles as officiars of

Fol. 75, b.

Estait; lykeas be that declaratioun the King is not limited frome having more nor eight or frome using what eight he pleases, bot be the contrare the said declaratioun doeth cleerelie demonstrat that the King at that tyme both had, and by joyning, divisioun or otherwayes may have as he now hes more then eight officiars of estait togidder, and that it is in his pleasure and optioun what eight to use in Parliament without being addicted to anie one more nor another conforme to the wounted custome of Parliaments. Lykeas his Majestie did formerlie in manie preceeding Parliaments use the Chanceller, Comptroller and Collectour as officiars of estait notwithstanding of the remanent eight, viz., Thesaurar, Privie Seale, Thesaurar Depute, Secretar, Clerk Register, and it is high presumptioun to alledge the contrair. For by the sederunts of Parliament it may appeare that the lait King made the Lord Chanceller, being a nobleman, to sitt among the noblemen, and made umquhill Sir Gedeon Murray, Thesaurar Depute, to vote in his place; and yitt he did not

debarre the Chanceller frome being ane officiar of estait. Lykeus he did in the than nixt following Parliament, 1621, sitt and vote amongs the officiars of estait, and in that sederunt wes ranked among thame. And forder, it is alledgit that in all the sederunts of all preceeding Parliaments, Counsell and Sessioun the Advocat is still ranked after the Secretarie, and that also in all former commissions, proclamations, decreits, letters and writtings whatsomever the Secretar, and namelie the said Sir Archibald Achesone, is still ranked before the Advocat; and thairfoir in law, custome, reasoun and honnour the Advocat aucht to be debarred frome his clame of precedence before anie Secretar whatsomever. To the whilk it wes replied be his Majesteis Advocat that the allegatiouns made aganis the Act of Parliament and Secreit Counsell ar disconforme frome the saids Acts and that both the Clerk Register and Advocat concurres for maintenance of thair places; and for the custome of England and Ireland it aucht not to be respected becaus there the Clerk of Register and Advocat hes not vote in Parliament as they have in Scotland. To the quhilk it wes duplyed be the said Sir Archibald that his alledgeances ar relevant and no wayes disconforme to the words and meaning of the said Act of Counsell and declaratioun in Parliament and that the Advocat aucht not have the said precedence no more nor the Kings Attorney of England or Ireland nor of anie other natioun hes before ane Secretar of Estait of anie of the saids kingdomes. With the whilks alledgeances, answeres, replyes and duplyes the saids Lords being weill advised, and having considderit the said Sir Archibald his complaint, the Act of Counsell and declaratioun of Parliament and the said Sir Archibald his gift of his office under the great seale, they have thairfoir ordained and ordains the word *secund* adjoynned to the said Sir Archibald his style and office in the commissioun foresaid to be delete; lykeas the said word wes presentlie delete; and they have ordained and ordains the commissioun foresaid to be exped with diligence; and declares that the ranking of the said Sir Archibald in the commissioun foresaid after the Clerk Register and Advocate sall in no wayes prejudge him nor his successours of anie precedence dew and possest be thame be vertew of the said office of Secretarie or be vertew of the said Sir Archibald his gift bot that the said Sir Archibald and his successours may weele and quyetlie possesse and injoy anie precedence dew and possest be thame in all tyme comming untill his Majestie upon dew informatioun sall thinke fitt to declare his royall pleasure anent the premises. And the saids Lords ordains ane letter to be written to his Majestie for his informatioun conteaning within it the said Sir Archibald his complaint, the extract of the said declaratioun in Parliament and Act of Counsell, togidder with the extract of this present Act and of the said Sir Archibald his gift of his office of Secretarie, to be considered of by his Majestie as in his high judgement may seeme most fitting for his awne service in tyme comming."

Acta January 1631-May 1632. Fol. 75, b.

Fol. 76, a.

Acta January 1631-May 1632. Fol. 76, a.

Sederunt—Chancellor; S[t] Andrewes; Privy Seal; Wintoun; Gallo-uay; Bishop of Dunkeld; Bishop of Dumblane; Bishop of Aberdeene; Bishop of Rosse; Bishop of the Yles; Lord Areskine; Lord Melville; Lord Jedburgh; Lord Naper; Secretar; Advocat; Justice Clerk; Sir Robert Ker. Holyrood House, 12th July 1631.

"Forsameekle as the Lords of Secreit Counsell having by warrand and directioun from his Majestie givin order for a generall collectioun to been beene made throughout all the kirks of this kingdome towards the releefe of the distrest ministers of the Palatinat, and it being speciallie appointed that the moneyes leveyed in every parish sould have beene delyvered to the moderator of the presbyterie to have beene sent in be him to George Suttie and Williame Gray, merchants of Edinburgh, who ar appointed be the Counsell to be receavers thairof, notwithstanding the moderators and ministers within the dioceis of S[t] Andrewes and Glasgow hes verie farre slighted and neglected the trust and charge therein committed unto thame and hes not made delyverie of the moneyes collected and receaved be thame, bot keepes and reteanes the same in thair awne hands, disappointing thairby the saids necessitous ministers of thair expected releefe; for remeid whairof ordains letters to be direct charging all and sindrie the moderators and ministers within the dioceis of S[t] Andrewes and Glasgow, whois names sall be givin in roll be the Archbishops of S[t] Andrewes and Glasgow, that they and everie ane of thame respective according to the order formerlie prescryved delyver the moneyes collected be thame for the purpose aforesaid and caus the same be sent in to the saids generall receavers betuix and the 28 day of this instant, and in caise of thair refusall to make delyverance of the moneyes being into their hands that they compeir personallie before the saids Lords upon the said 28 day of this instant to answere upon thair refuisall and to heare and see suche order tane thereanent as the nature of the caus and thair behaviour in suche a caise doeth require, under the pane of rebellioun, etc. with certificatioun, etc." Charge to the moderators and ministers in the diocese of Glasgow and St. Andrews to deliver to the appointed collectors the sums raised for the relief of the distressed ministers of the Palatinate, which they have hitherto failed to do.

Fol. 76, b.

"The whilk day the Laird of Grant having entered and presented Alaster Grant before the Lords of Privie Counsell for satisfaction of the Act whairby he was obleist to that effect, the saids Lords ordains the said Alaster to be committed to waird in the tolbuith of Edinburgh, and the said Laird of Grant to enter him in waird within the same. Lykeas Johne Grant, appearand of Ballindallach, being personallie present, actit himself to persew the said Alaster for the slaughter of John Dollas and others crymes committed be him upon the 23 day of November nixto-come under the pane of ane thowsand punds." Alaster Grant committed to the Tolbooth of Edinburgh.

"The Lords ordains the Shireff of Edinburgh, the bailleis of Edinburgh, Tranent, the Lord Prestongrange, the bailleis of Mussilburgh and Preston, the Erle of Wintoun, Lord Balmerinoch, fewers of Restalrig and bailleis of the Cannogait, to conveene and meit in Edinburgh upon Direction anent the highways between Berwick and Edinburgh.

the 22 of this instant anent the repairing of the hie wayes betweene Edinburgh and Beruick, and to report upon Tuisday thereafter." Acta January 1631-May 1632. Fol. 76, b.

Letter from his Majesty anent the examination of James Grant touching the burning of Frendraught.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk missive the tennour followes:—CHARLES R., Right trustie and right weilbelouit cousine and counsellour, right trustie and right weilbelouit cousines and counsellours, right trustie and right weilbelouit counsellours, and trustie and weilbelouit counsellours, we greet yow weill. Whereas for the better cleering of the truthe tuicheing the burning of the Tower of Frendret we have formerly required yow to take the like course with Johne Meldrum as yow have done with one Tosheauch concerning that Fol. 77, a. purpose, but seeing ye have hitherto delayed the doeing thairof for some reasouns we doe therefore remitt the same to your awne consideratioun to do thairin as yow sall thinke most expedient. And being informed that yow ar to put James Grant to his tryell heeranent, in regarde our right trustie and right weilbelovit cousine and counsellour, the Erle of Monteith, President of our Privie Counsell, who is our Justice Generall, is to remane heere some space, as callit by us to attend our service, oure pleasure is that yow superseid all tryall of the said James Grant until suche tyme as our said Justice Generall be present there, unto whome we sall impart our further directions, and for your so doeing these presents shalbe your sufficient warrant. Given at our mannour of Greenewiche the fourth day of Julij, 1631.[1] Quhilk letter being read, heard and considderit be the saids Lords they humbelie acquiesce thairunto."

Holyrood House, 12th July 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 232, a.

Complaint by Matthew Duncan, servitor to Thomas Robertson in Todholhillis, against John Bannerman in Dennes for assault.

Complaint by Matthew Duncane, servitor to Thomas Robertson in Todholhillis, as follows:—On 30th March last, while "about sunsetting" Fol. 232, b. the complainer was thrashing corn in his master's barnyards with his coat off, John Bannerman in Dennes came to him and "with ane rung gave him ane nomber of straikes upon his head," cutting it in several places, and so bruising him "with bauche, blae and bloodie straikes upon the armes, shoulders and other parts of his bodie that he wes unable to stirre and ever sensyne hes beene unable to labour in his maister's service." The pursuer compearing but not the defender, and a number of witnesses having been examined, the Lords find the assault proved, and ordain the defender to be charged to enter into ward within the tolbooth of Edinburgh within fifteen days until order be taken with him regarding this insolence upon pain of horning.

Complaint by James Mitchelhill, burgess of

Complaint by James Mitchelhill, burgess of Selkirk, as follows:—On Fol. 233, a. 30th June last he obtained a decreet from their Lordships against his

[1] There is another copy of this letter in the Register of Royal Letters, etc., fol. 200, a.

Decreta, March 1631-April 1632. Fol. 233, a.

brother, ordaining the baillies of Selkirk to liberate him from their tolbooth in so far as he was warded at the instance of his said brother or his cedents upon enacting himself in the town books of Selkirk to compear before their Lordships on 12th July instant under a penalty of 1000 merks. He expected that on so doing he would obtain his liberty, but he is still detained in ward by the procurement of his said brother at the instance of Mr. John Ker and Agnes Lawsoun, his spouse, Andrew Scot in Howden, George Currour of Quhytumrehall, George Turnebull in Philiphauche, Alexander Andersoun in Schaw, George Riddell in Selkirk, James Winrame of Libbertoun, James Murrey in Selkirk and Mr. Robert Craig, factors to Francis Stewart, son of the late Earl of Bothwell, John Lidderdaill in Selkirk, Mr. Patrick Schaw, minister there, John Short and John Andersoun, burgesses of Edinburgh, Alexander Wright, burgess there, and Henry Wright in Selkirk, whose whole debts do not exceed 1000 merks, and all of whome except one to whome the complainer owes but £100 would willingly consent to the complainer's liberation, knowing that if he were in a position in which he could dispose of his lands he would soon give them satisfaction, whereas his lying in prison not only hinders them, but wrecks the complainer himself, his wife and eleven poor children. Charge having been given to the persons named above (from Mr. John Ker to James Winrahame inclusive) and to William Scott and William Elliot, bailies of Selkirk, to produce the complainer, and the said bailies producing him and there being also present of the defenders George Currour, George Turnebull, Alexander Andersoun, James Murrey, John Andersoun, and William Mitchelhill, the pursuer's brother, also James Winrahame by Mr. James Laidla, his servant, all of whom consented to the liberation of the pursuer for one year, and the pursuer having enacted himself under the penalty of 1000 merks to appear before the Lords on the first Council day of July to underly their Lordships' pleasure in this business, the Lords ordain the bailies of Selkirk to set him at liberty in so far as he is warded at the instance of the defenders.

Selkirk, against the complainer's brother and others for illegal warding.

Fol. 233, b.

Fol. 234, a.

Act of caution by James Mitchelhill, burgess of Selkirk, in 1000 merks that he will not molest his brother, William Mitchelhill, nor his wife and household.

Caution by the above James Mitchelhill that he will not molest his brother.

Similar Act of caution by the said William Mitchelhill in the like sum for the indemnity of his brother James and his household.

Similar caution by the brother.

Another Act of caution by said James Mitchelhill in 300 merks for the indemnity of George Turnebull in Philiphauche and his family, etc.

Another act of caution by James Mitchelhill.

Fol. 234, b.

Similar Act of caution by the said George Turnebull in the like sum for the immunity of the said James Mitchelhill and his family, etc.

Similar act of caution.

Complaint by Marion Home, Lady Corsebie, as follows:—Their Lordships were induced, upon evidence that she could not with surety of her life keep company with her husband, to grant her an order of separation and aliment out of his estate for herself and her children; but the

Complaint by Marion Home, Lady Corsebie, against her husband, Patrick Cran-

ston, from whom she is separated by the decree of the Council, and whom she accuses of seeking to overthrow that decree.

payment of this aliment so angers her said husband that he employs all means, direct and indirect, to have it discharged. With this object, and not out of anie affection or love he has to the complainer or desire of her company, he has now raised an action of adherence before the Commissaries of Edinburgh, who also intend to proceed with and adjudicate in the case. She pleads that they cannot do so, seeing that the matter is one with which their Lordships have dealt, and with whom the final dealing of the case must therefore remain. If she goes home to her said husband she has nothing to look for but "all the malice and wrath whairwith he may afflict her," as his hatred to her is more violent than ever. She pleads therefore that the Commissaries should be discharged of interfering in the case. Charge having been given to the said Patrick Cranstoun, and also to the Commissaries of Edinburgh and their clerk, and all parties compeiring, the Lords find that the proposed action is proper and competent to be dealt with by the Commissaries of Edinburgh, and remit the same to them to proceed therewith according to the law; ordaining them, moreover, to provide for the indemnity of the pursuer, and her honest aliment and entertainment as is usual in matters of that kind.

Decreta, March 1631-April 1632. Fol. 234, b.

Fol. 235, a.

Complaint by James Mowat, Writer to the Signet, on account of illegal warding.

Complaint by James Mowat, Writer to the Signet, as follows:—He has been lately warded in the tolbooth of Edinburgh for taking information against John Smith and Katherine Wilsoun about some points of witchcraft, though truly what he did therein was out of mere simplicity and in the exercise of his office of Sheriff-clerk of Berwick for the time. Moreover, he was formerly warded in the said tolbooth on the same charge and he has not committed any such oversight since. Charge having been given to Gilbert Achesoun, one of the bailies of Edinburgh, in name of the provost and whole bailies thereof to exhibite the pursuer, and the pursuer being produced, the Lords ordain him to be put to liberty, he having enacted himself not to exercise any public charge or office without a warrant from the Council, under a penalty of £1000.

Fol. 235, b.

Holyrood House, 12th July 1631.

M'Lean and his cautioners.

"The quhilk day the Ylismen being callit and not compeirand, decernis aganis M°Claine and his cautioners and superseids the executioun till the 26 of this instant."

Sederunts, November 1629-January 1635. Fol. 61, a.

Laird of Coill.

"Coill his not compeirance excuised in respect of his indispositioun and age."

Lochbuy.

"Decernis aganis Lochbuy and superseids the executioun till the 28 of this instant."

The Captain of Clanranald.

"Decernis aganis the Captane of Clanrannald and his cautioner and superseids the executioun till the first Counsell day after the 20 of November."

The highways between Edinburgh and Berwick.

In the Act for repairing the highways between Edinburgh and Berwick, the bailies of "Hadintoun" are also here given.

The lights on the Skairheads.

"Ordains Johne Duff to meit and conferre with the Burrowes upon the 18 of this instant anent the setting up of lights upon the Skairheads, and to report upon the twenty ane."

Sederunts, November 1629-January 1635. Fol. 61, a.

"Ordains Mr Alexander Guthrie to be warned to Thurisday anent the Burrowes report concerning the coyne." Anent the coin.

Acta January 1631-May 1632. Fol. 77, a.

Sederunt—Chancellor; St. Andrewes; Privy Seal; Wintoun; Bishop of Dunkeld; Aberdein; Ros; Dumblane; Yles; Lord Melvill; Naper; Tracquair; Secretary; Advocate; Sir Robert Ker; Justice Clerk; Sir Robert Douglas; Sir John Scot. Holyrood House, 14th July 1631.

"The whilk day Sir George Crawfurd of Lesnoreis and Gabriel Porterfeild of Hapland compeirand personallie before the Lords of Privie Counsell the said Laird of Lesnoreis nominat the Lord Tracquair, and the said Gabriel Porterfeild nominat Mr William Cunningham of Broomehill, to whome they submitted the differenceis standing betweene thame, whome the saids Lords ordains to meete the morne at ten of the clocke and to travell betuix the parteis for sattling of thair questiouns." Submission between Lefnoreis and Gabriel Porterfield.

"The Lords of Secreit Counsell ordains Alaster Grant to be keeped in the yrnehous and the keeper of the tolbuith to crave and exact of him his jaylour fee weeklie." Alaster Grant to be kept in the "yrnehous."

"The Lords of Secreit Counsell discharges the granting of anie commissiouns in tyme comming to gentlemen in the countrie for trying of the mater of treasoun in respect of the nature of the cryme and dangerous consequence thairof." Anent commissions for trying of treason.

Decreta, March 1631-April 1632. Fol. 235, a.

[Sederunt as recorded above, except St. Andrews and Sir John Scot, and adding Lord Areskine and Jedburgh.] Holyrood House, 14th July 1631.

Complaint by John, Lord Areskine, as follows:—He has at great cost brought a number of strangers, men expert in the tanning of leather, to instruct the tanners and barkers of this kingdom, and in obedience to the Council many of the best and most skilful tanners of this kingdom are content to receive instruction and embrace this reformation, but a number of the more rude and ignorant are disobedient and refuse viz.:— Complaint by John, Lord Erskine, against certain persons who refuse to adopt the new process of tanning.

Fol. 236, a.

Magnus and John Tailyeour in Bankwall, Andrew Tailyeour in Fingask, Andrew and Alexander Madersie in Fernihill, David Straith in Clinterlie, George Baird there, Alexander Rattie in Carnemure, Robert Abroun in Conkboig, Alexander Simsoun in Housahill, Alexander Wobster in Tarwathie, Adam Gaw in Tirrituhill, William Mylne in Sprowursfurd, William Mylne in Crimonthe, John Darg in Meinsie and Constantine Broun and John Clerk in Aberdour. The pursuer appearing by John Wardlaw, his procurator, but none of the defenders, the Lords ordain them to be put to the horn and escheat.

Fol. 236, b.

Complaint by Fleaurence Neine Charliche VcEane, spouse of Donald McNureis VcNeill Yairr, and her said husband for his interest, as follows:—On February last Lauchlan McClaine of Ardnacros, and Lachlan McEane Dowie VcCharles, Gorrie McRonald, and John McInneis Complaint by Fleaurence Neine Charliche V'Eane, spouse to Donald

M'Nureis V'Neill Yairr, against Lachlan M'Lean of Ardnacros and others for assault.

Eyr Muldonich M^{c}V^{c}Eane Rowich, servitors to the said Lachlan, all armed with swords, bows, darlochs and other invasive weapons, came by way of hamesucken to the complainer's house in Kil V^{c}Ewin, in the isle of Mull, for the purpose of killing the said Donald, and missing him after searching through the house, "they shamefullie patt hands in the persoun of his said spous, being great with childe, harled her out of her hous be the haire of her head, band her hands behind her backe with bow strings as if she had beene ane theefe, trailled her throw ane myre beside her awin doore," and would have killed her but for the interposition of some persons who came to her relief. The pursuers appearing by James Logie, their procurator, but not the defenders, the Lords ordain them to be put to the horn and escheat. Decreta, March 1631-April 1632. Fol. 236, b.

Act of Council anent John Gordon, minor, of Rothiemay.

In the cause between Katharine Forbes, Lady Rothiemay, and John Gordoun of Innermerkie (*ante*, p. 242), the said John Gordoun compeared and exhibited his pupil, James Gordoun, now of Rothiemay, before the Council, and the said Lady Rothiemay being likewise personally present, the Lords heard what either party had to say regarding the custody of the said pupil. After advising, their Lordships find "that the tuitioun and charge of the pupills persoun and the administratioun of his estait belongs to the said Johne Gordoun in the right of his office; and yitt notwithstanding for the better educatioun of the said pupill in religioun and letters the saids Lords ordains him to be bred and educat at the schooles of Aberdein during his minoritie and to be placed in some honest hous there attended with ane pedagogue at the sight and appointment of the Bishop of Aberdein," and they ordain that his mother, with her own consent, shall bear the expense of his maintenance there until it be seen if he has sufficient means of his own, and if he has, she is to receive repayment of her expenses from the said John Gordoun, tutor. Further, the Lords ordain the said John Gordoun to place his pupil in the charge of the Bishop of Aberdein within the burgh of Aberdein on 6th August next; and if the said John returns home before that time and before the said Bishop's departure from Edinburgh, he is to leave his pupil with the Bishop of Dumblane, in whose company he is to remain, and thereafter he is to be taken to Aberdein by his mother and placed in the Bishop's custody on the day foresaid. To do this both the said John Gordoun and Lady Rothiemay, whichever of them took charge of the matter, enacted themselves under a penalty of £500. Further, the Lords ordain that at the expiring of his minority the pupil is to appear before the Lords of Session, that, with the advice of his friends on both the father's and mother's side, he may choose his curatore. Meantime, while the boy remains in this town, he is to be in the keeping of his said tutor, he allowing him always to go to his mother at such times as he shall be required. And, finally, the Lords ordain that this arrangement shall be without prejudice to the rights of the office of tutory belonging to the said John Gordoun of Innermerkie. Fol. 237, a. Fol. 237, b.

Decreta, March 1631-April 1632. Fol. 237, b.

Complaint by Sir John Scot of Newburgh, and by Mr. George Halyburtoun of Foderance, William and Adam Scot, brothers of Robert Scot of Gilmenscleuch, John Scot of Hundilshop, John Fairholme, burgess of Edinburgh, and Patrick Nimmo, tailor there, all creditors of the said Sir John Scot, as follows:—In January last their Lordships granted a warrant to the said Sir John for coming to Edinburgh and suing Andrew Scot, chirurgeon, for count and reckoning of the said Andrew's intromission with the said Sir John's estate, and for denuding him of the said estate. Several of their Lordships have personally taken great trouble in the matter; but the said Andrew, unwilling to relinquish, has now raised an action before the Lords of Session for declaring that the said Sir John's lands belong to him, and when anyone appears in the said Sir John's behalf to except, the said Andrew debars them by horning against the said Sir John. The complainers are thus "heavilie prejudged." Charge having been given to the said Andrew Scot, and he compearing personally, and the pursuers by John Henderson, writer in Edinburgh, the Lords, after hearing parties, grant protection and license to the said Sir John to come and attend his action until Saturday week the 23d instant.

Complaint by Sir John Scot of Newburgh against Andrew Scot, chirurgeon, Edinburgh, whom the complainer accuses of illegally preventing him from seeking his rights at law.

Fol. 238, a.

Complaint by John Bissat, merchant burgess of Edinburgh, as follows:—About Beltane last he had six or seven houses burned in the Cannogait, whereby he sustained very great loss. He set about rebuilding them, and at the desire of Henry Lethingtoun, "coupper" in the Cannogait, he entered into terms with certain craftsmen there, who turned out very ignorant and unskilful, and utterly spoiled his work. Accordingly, he was forced to employ others, and among these one Abraham Andersone, "sklaitter," burgess of Edinburgh, a competent craftsman, to put on roofs, and the said Abraham was engaged in this work when, on July instant, James Aittoun, bailie in the Cannogait, and the said Henry Lethingtoun, came and violently carried off the said Abraham to their tolbooth, where they have kept him imprisoned for twelve days, and refuse to release him until he enact himself to desist from all working in the Cannogait, "contraire to the freedome and libertie of persouns of his calling who have ever beene in use to worke where and whensoever they ar imployed and contrarie to the freedome of all his Majesteis good subjects in thair choice of craftsmen where they may have thame most sufficient." The complainer has thereby been "greatlie damnified and his worke cast farre abacke." Charge having been given to the persons accused to appear and produce Abraham Anderson, and they all and the pursuer compearing and having been heard, the Lords ordain the said James Aittoun to liberate the said Abraham that he may complete his work, and discharge the said Henry Lethington of all troubling of him therein; but they declare that if after trial and consideration of the liberties and rights claimed by the craftsmen of the Cannogait, in terms of their seal of cause, it is found that the said Abraham has done wrong, he shall be punished in his person and goods at the Council's will.

Fol. 238, b.

Complaint by John Bisset, merchant-burgess of Edinburgh, against Henry Lethington and James Aittoun, bailie in the Canongate, for illegal warding of Abraham Anderson, slater, who was engaged in work for the complainer.

14th July 1631. [Sederunt as above, omitting S[t] Andrewes and Sir John Scot, and adding Lord Areskine and Lord Jedburgh.] Sederunts, November 1629-January 1635. Fol. 61, b.

Anent the coinage. "The Lords continewes the report anent the coyne untill Tuisday nixt whairof M[r] Alexander Guthrie wes warrand *apud acta*."

Holyrood House, 14th July 1631. Letter of Council to some noblemen and others anent the high-ways between Edinburgh and Berwick. "After our very heartlie commendatiounes. Quheras ther is a course to be takin for repairing of the hie wayes betuix Edinbrugh and Bervick for quhilk purpose ane meeting is appointed to be keeped at Edinbrugh upoun the tuentie tua of this instant of the pairteis interessed thairin to convene with the provest and baillies of Edinbrugh for the better ordering of that busines; and whereas yow are of that nomber whome this busines concernes, these ar thairfoir to requeist and desire yow that yow faill not to keep the said appointment and to concure with the toun of Edinbrugh by your best advyce and furtherance for the sattling of that work. Quhairanent looking to your precise keeping of that dyet, we committ yow to God. From Halyrudhous, the fourtene day of *Julij*, 1631 yearis. *Sic subscribitur*, Chancellour, Hadingtoun, Wintoun, Traquair, Arch: Achesoun, G. Elphingstoun." Royal Letters, 1623-33. Fol. 198, b.

Holyrood House, 18th July 1631. Anent a threatened breach of peace between Stirling of Keir and a servitor of the Master of Abercorn. "Forsameekle as it is understand to the Lords of Privie Counsell that there is some appearance of trouble lyke to fall out betuix Stirline of Keir on the ane part and servitour to Claud Hamiltoun, Maister of Abircorne, on the other part, quhairupon further inconvenients ar lyke to fall out if remeid be not provydit, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging both the saids parteis to compeir before the saids Lords upon the morne the nynetene day of Julij instant to underly suche order as sall be tane with thame for keeping of the peace, under the pane of rebellioun, etc.; with certificatioun, etc." Acta January 1631-May 1632. Fol. 77, b.

Holyrood House, 19th July 1631. *Sederunt*—Chancellor; S[t] Andrewes; Privy Seal; Wintoun; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Melvill; Jedburgh; Naper; Tracquair; Secretary; Advocate; Justice Clerk; Sir Robert Douglas; Sir Robert Ker; Sir John Scot.

Act in favour of Sir James Grant of Freuchie in connection with Alaster Grant. "The whilk day the Lords of Secreit Counsell after reasoning and voting finds and declaires that Sir Johne Grant of Freuchie, knight, by the entrie and exhibitioun of Alaster Grant, rebel, who is now made prisoner within the tolbuith of Edinburgh, hes satisfied and fulfilled the act, whairby he wes obliged to that effect; and in respect thairof the saids Lords freeths and releeves the said Sir Johne Grant of the act foresaid, haill heids and articles thairof and panes thairin conteanit, and discharges him thairof in all tyme coming, but prejudice alwayes to the parteis interest of anie actioun competent to thame upon the act of Parliament to be persewed aganis him as accords of the law."

Acts January 1631-May 1632. Fol. 77, b.

Act in favour of Marion Boyd, Countess of Abercorn.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Dame Marion Boyd, Countesse of Abercorne, makand mentioun that where in the moneth of Apryle last the saids Lords grantit unto her licence upon caution found be her actit in the bookes of Privie Counsell for her addresse to her dwelling houses of Paisley or Blackstoun and that she sould remaine there for dispatche of her adoes till Lambmesse nixt, and that in the meanetyme she sall not ressett Jesuits, seminarie
Fol. 78, a. nor messe preests, and that she sall return backe agane to her waird in Duntarvie betuix and Lambmesse, under the pane of fyve thowsand merkes, as the warrands grantit to her for this effect beiris; since the whilk tyme the said Countesse hes beene so visite with infirmitie and weakenesse that she hes ever keeped waird at Duntarvie, and hes never had her health to repaire to her saids dwellings of Paisley or Blackstoun. And whereas now it hes pleased God to restore her in some measure to her health so as now she is able to make use of the saids Lords thair licence and to repaire to the west for sattling of her adoes there, and seing the terme appointed for her returne to Duntarvie, whilk is Lambmesse, is so short that she cannot outred nor dispatche her adoes agane that tyme, humbelie desyring thairfore the saids Lords to prorogat the terme appointed for her returne to Duntarvie till Candlemesse nixt, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords, and they weill advised thairwith, the Lords of Secreit Counsell hes prorogat and continewed, and be the tennour heirof prorogats and continews the terme appointed for the said Countesse her returne to Duntarvie till Candlemesse nixt; becaus Claud Hamiltoun of Strabrane, Maister of Abercorne, her sonne, is become actit and obleist as cautioner and souertie for the said Countesse that during the tyme of her abode in her saids dwellings of Paisley and Blackstoun, she sall not ressett Jesuits, seminarie nor messe preests, that she shall not ressett Thomas Algeo and that she sall behave her selffe modestlie without giving of offence or scandall, and that she sall returne backe agane to her waird in Duntarvie betuix and the said terme of Candlemesse nixt, under the pane of fyve thowsand merkes."

Declaration for the Commissioners of the Burghs by William Reid anent the coinage.

"The whilk day William Rid, commissioner for the burgh of Edinburgh, being assisted with a nomber of the commissioners for the Burrowes compeirand personallie before the Lords of Privie Counsell reported that they had considderit at thair general meeting the overture made be the Committee of Burrowes for remeiding the abuse and course of forraine coyne, and inbringing of bulyeoun whairof they doe allow and did humbelie represent the same to the consideratioun of the Counsell."

Decreta, March 1631-April 1632. Fol. 239, a.

Holyrood House, 19th July 1631.

[Sederunt as recorded above, except Areskine and Jedburgh, but adding the Bishop of Aberdein.]

Complaint by Alexander Lyoun of Muresk, as follows:—On 27th May

Complaint by Alexander Lyon of Muresk against Arthur Forbes, son of John Forbes of Brux, and others for assaulting the complainer's servants and threatening the complainer himself.

last Arthur Forbes, eldest lawful son to John Forbes of Brux, accompanied by Alexander Forbes in Lochell, Thomas Shireff in Longhauche, Patrick Middiltoun in Bridge of Moffat, Thomas Troup in Govells, James Reid in Culches, Forbes, servitor to the said Arthur Forbes, William Yuill in Westside, and others their accomplices, armed with swords, targes, banded staves and other invasive weapons, came by way of hamesucken to the complainer's dwelling house of Muresk about the break of day, lay about the house a long time striving to get entrance in order to take his life, and "brasched at his yetts with gavelocks and others ingynes," but failing to get admission, they went to his barnyard where his servants were at work in "the beir seid tyme" and "dang thame with thair stalffes and others weapons," avowing that if they had found the complainer they would have used him worse. The pursuer compearing personally but none of the complainers, the Lords ordain them to be put to the horn and escheat. Decreta, March 1631-April 1632. Fol. 239, a.

Complaint by Robert Menteith, indweller in Edinburgh, against Susanna Heriot, widow of John Mowat, burgess of Edinburgh, for illegal action in connection with an act of caution by which the complainer had become bound.

Complaint by Robert Menteith, indweller in Edinburgh, as follows:— He became cautioner for Alexander Monteith, servitor to Lord Balmerinoch, that he would exhibit David Littill of Ormestounhill before their Lordships on 27th April last to answer a complaint by Susanna Heriot, widow of John Mowat, burgess of Edinburgh, and failing herein, that he would pay to her at Whitsunday last the sums of money for which she had the said David at the horn. Now, the 27th of April not being an ordinary Council day, nothing followed upon the said act. Charge having been given to the said Susanna Heriot, and the pursuer appearing and producing the said David Littill, who exhibited a note of the appraised value of certain of his clothes which were in the keeping of the said Susanna extending to £96 6s.; and the defender not compearing, the Lords ordain that the said clothes in her possession belonging to the said David shall stand as full payment of the debt he owes her. Fol. 239, b.

Complaint by Michael Scot in Leslie against John Aitken, elder, in Rescobie, for assault.

Complaint by Michael Scot in Leslie, as follows:—On 9th July instant Johne Aitkine, elder, in Rescobie, lay in wait for him at the town of Dunfermeline and meeting him on his way to the Quenisferrie, assaulted him from behind with a great sting, gave him a number of wounds on the head and felled him to the ground, to the great effusion of his blood and peril of his life, besides giving him many "bauch, blae and bloodie straikes" in divers parts of his body. The pursuer appearing but not the defender, the Lords, after hearing the pursuer and his witnesses, find that the defender "hurt and woundit the said persewer with ane stalffe to the effusioun of his blood," and ordain him to be charged to enter into ward in the tolbooth of Edinburgh within six days and there remain until order be taken with him for this insolence and failing to do so he is to be put to the horn and escheat. Fol. 240, a.

Complaint by John Elder in Spoutwells against Patrick Cruickshanks

Complaint by John Elder of Spoutwellis, as follows:—On 5th July instant, Patrick Crookeshanke in the Wynde of Skoone, Patrick and Gilbert Cowper there, David Farie, George Rattray, John Eylistoun, Fol. 240, b.

Decreta, March 1631-April 1632. Fol. 240, b.

George Blair, Peter Moreis, James Walker, Robert Gairdner, Patrick Mitchell, Patrick Lamb, and Patrick Cruikschanke there, Peter Moreis in Chantergait, Ronald Lamb, William Wilsoun, James Martine, Patrick Quhittock, George Rob, Robert and John Cruikschanke, Robert and William Todd, David Smith and John Sand there, and others, armed with "speiris, Jedburgh stalffes, forkes, spaidis, swords and uthers weapouns invasive," came to his lands of Spoutwells, and there hacked, cut and destroyed the turfs cast by the complainer and his tenants upon the commonty of the said lands, where he and his predecessors have been in peaceable possession of casting turfs past memory of man, demolished and cast down "ane seate hous," built thereon far within the marches, consisting of "three cupples with doores and windowes," threw down his dykes, planted by him and his predecessors "with elmes, ashes, birke and plaine, and in end delved up the haill merche stones of the saids lands." The pursuer compearing personally and of the defenders Patrick Cruikschanke, Patrick and Gilbert Cowper, David Fairhar, George Rattray, Peter Moreis, Robert Gairdner, Patrick Mitchell, Patrick Lamb and James Martine, and the evidence of certain witnesses produced by the pursuer having been heard, the Lords assoilzie the defenders from every point of this complaint. in the Wynd of Scone and others for doing damage on his lands.

Sederunts, November 1629-January 1635. Fol. 61, b.

[Sederunt as above, adding the Bishop of Aberdein, and excepting Lords Areskine and Jedburgh.] Holyrood House, 19th July 1631.

Fol. 62, a.

"A proclamatioun discharging all importatioun of dollours after Martimes and commanding the maisters of coale and salt that they receave no dollours for the same, and that the moneyes whiche sall be payed thairfoir be of his Majesteis coyne or of forrane speces allowed and at the rate thereanent prescryved, and that the goods and commoditeis to be caried in to England be sauld there that returne be made of the pryces thairof in the speces abonewrittin and nowayes in dollours, under the pane of confiscatioun; and the customers appointed to searche and try." Proclamation forbidding the importation of dollars after Martinmas next.

"The Lords having heard the report made be the Burrowes tuicheing the grammer compyled by Mr David Wedderburne continewes the same till Thurisday nixt." Mr. David Wedderburn's Latin Grammar.

Acta January 1631-May 1632. Fol. 78, a.

Sederunt—Hadintoun; Wintoun; Bishop of Dunkeld; Bishop of Dunblane; Bishop of Ros; Bishop of the Isles; Melvill; Jedburgh; Naper; Secretary; Advocate; Justice Clerk; Sir Robert Ker; Sir Robert Douglas; Sir John Scot; Sir James Baillie. Holyrood House, 21st July 1631.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Mr David Wedderburne, schoolemaister at Aberdeene, and actit and obleist himselfe that his Grammar being allowed and receaved Act anent Mr. David Wedderburn and his Latin Grammar.

and all others grammars discharged to be printed, sauld or taught in anie of the schooles of this kingdome, and the sole priviledge of printing and selling the said Mr David his grammar being grantit unto him, his airis and assigneyis for the space of twentie ane yeres that than and no otherwayes he sall make payment to Mr Alexander Home, schoolemaister at Dumbar, his airis and assigneyes, of ane thowsand merkes money at suche tymes and with suche modificatioun as the saids Lords after tryell of the said Mr David his benefite sall appoint and prescryve, reserving alwayes libertie to the said Mr Alexander Home and to Mr Johne Home, his sonne, of teaching of the grammar compyled be the said Mr Alexander within their awne schooles allanerlie and no where ellis, quhairunto the said Mr Johne, compeirand in name of his father, acquiesced." Acta January 1631-May 1632. Fol. 78, b.

Anent the depositions concerning the burning of the house of Mr. David Leitch. See *ante*, p. 257.

"The whilk day the depositiouns concerning the burning of Mr David Leitche, minister at Dundrennan, his hous, being reported to the Lords of Privie Counsell the same wer opened and delyvered to his Majesteis Advocat and remanent examinators to be considerit of be thame."

Holyrood House, 21st July 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 241, a.

Complaint by John, Earl of Annandale, against John Johnston of Stodrigs and others for refusing the mart cows due to him as custodian of the Castle of Lochmaben.

Complaint by John, Earle of Annerdaill, and Sir Thomas Hope of Craighall, Lord Advocate, for his Majesty's interest, as follows:—The said Earl is heritably infeft in the constabulary and keeping of the Castle of Lochmaben "with threttie twa mart ky to be uplifted furth of the threttie twa parishes of the Stewartrie of Annerdaill." His right is derived from George, Earl of Dumbar, who was first infeft therein, and who, with the keepers of the said castle, before the date of the said infeftment have been in continual use, past memory of man, of uplifting "ane mairt and kow furth of everie ane of the saids threttie twa parishes out of the readiest of thair ky and oxin, for the quhilk kow takin out of the saids parishes the haill rest of the heretours within the parish contributed with the person whois kow wes takin for his releefe according to the extent of the lands lying within the parish." Accordingly, on 16th December, 1630, the Earl's servants, Matthew Wilsoun, elder and younger, went to the parish of Corrie and took a "mairt kow" there, whereupon John Johnestoun, younger of Stodrigs, and William Grahame, son of James Grahame of Stobhill, armed with "stalffes and swords," set upon them and took the mart from them; the same day Williame Grahame, in Hiechat, and Simon and John Grahame, his sons, and others, armed with swords and other forbidden weapons, violently debarred the said Earl's servants from uplifting the said mart out of the parish of Huttoun; likewise that same day John Lintoun, Thomas Porteous, Thomas Bell, and John Sandert assembled themselves together "with shout and cry," and forcibly debarred them from taking the mart from the parish of Apilgirth, and Patrick Proudfoote in Fol. 241, b.

Decreta, March 1631-April 1632. Fol. 241, b.

Miltoun, armed with forbidden weapons, violently prevented them from uplifting the mart from the parish of Kirkpatrik; further, when, that same day, the said Earl's servants had taken the mart from the parish of Sibbalbie, Alexander Boyes in Bekcothill, and others, armed with forbidden weapons, pursued them for a mile, and took the mart from them: Moreover, on the 17th of the said month, James Achesoun, called the Choppin, James Achesoun in Polmudie, Matthew Johnestoun there, William and John Blaikok, there, servants to Herbert Achesoun in Polmudie, at the direction of the said Herbert, violently debarred them from uplifting the mart from the parish of Moffat; and Thomas Dinwiddie in Achindinnen, violently debarred them from uplifting it from the parish of Johnestoun. The complainer is thus like to be deprived of the duties pertaining to the said office. Charge having

Fol. 242, a.

been given to the persons complained against, and the Lord Advocate compeiring personally, the Earl of Annerdaill by Mr. Alexander Burnet, his procurator, the said Simon Grahame, Herbert Achesoun, Thomas Dinwiddie, John Johnestoun of Stodrigs, William Grahame in Cartertoun, William Grahame in Heichat, John Grahame, his son, James Achesoun in Polmudie, Matthew Johnestoun there, and William and John Blaiklocks thare, compearing by James Johnestoun of that Ilk, who said he would answer for them, and the said Patrick Proudfoote by Mr. Samuel Johnestoun, who declared he would be responsible for him, and parties and their witnesses having been heard, the Lords find the complaint proved, and ordain the said James Johnestoun of that Ilk and Samuel Johnestoun to enact themselves that the persons whom they represent shall make restitution of the marts, and forbear all opposition in future, under such penalties as the Lords may see fit to impose in case of contravention. Further, as nothing was proved against the said Herbert Achesoun, the Lords assoilzie him; and they ordain the said John

Fol. 242, b.

Lintoun, Thomas Porteous, Thomas Bell, John Sandert, Alexander Boyes, and James Achesoun, called the Choppin, who failed to appear, to be charged to enter themselves within six days in ward in the tolbooth of Edinburgh, and there await their punishment, under the pain of rebellion.

Complaint by Isobel Douglas, widow of Archibald Weddell of Turindykes, against certain servants of the Earl of Buccleuch for forcibly preventing the complainer from obtaining fuel from Crichton Muir, to which she claims a legal right.

Complaint by Isobel Dowglas, widow of Archibald Weddell of Turindykes, Mr. William Weddell, her son, and James Simsoun, her tennant, as follows:—The said Mr. William Weddell is heritable possessor of the lands of Turindykes and their pertinents and he and his predecessors have been in peaceable possession thereof and of the commonty of the Muir of Crichtoun by pasturing their cattle and winning thair fuel there past memory of man, without opposition or interruption, until that lately, after the death of the said Archibald Weddell, Adam Wauchop of Caikmure, and Michael Scot, the Earl of Buccleuch's chamberlain of the lordship of Crichtoun, taking advantage of the simplicity of the said widow and her son, resolved by way of "deid, bangsterie and oppressioun

to debarre and seclude the compleaner and thair said tennent frome thair priviledge of pastouring thair goods and winning of fewell upon the said mure," and consequently from their possession of the said lands, which cannot be laboured without the benefit of the said muir. Accordingly, on 1st July instant, the said Adam Wauchop and Michael Scot directed James Cockeburne in Crichtoun, Michael Dewar and John Paistoun there, to the said muir, where the said James Simsoun had loaded a horse and cart with fuel, as he had been wont to do for the twelve years of his tenancy without interruption, and as he was coming home, near the town of Crichtoun they "violentlie reft the hors and cairt out of his hand, kuist the same over ane steepe craig or sinke beside the said toun and had almost brokin the said tennents craig and his horse backe, so as the poore beast is become so lamed and crooked that he will never be usefull for anie service." So, also, the complainer is despoiled of his fuel, and his assailants would have killed him if some neighbours had not come to his relief, at which they, grudging, threatened to take his life if ever he came there again. By this oppression, committed so near to the seat of justice, the complainer's lands are like to be laid waste if remedy be not provided. Charge having been given to all the parties complained upon, and both pursuers and defenders compearing personally, the latter alleged that they did nothing but make a civil and legal interruption against the intrusion of the pursuers upon the Muir of Crichtoun. The Lords, after hearing parties, ordain the pursuers, in respect of their present possession of the muir, to continue therein till they be orderly removed by course of law, and admit the alleged interruption as a sufficient ground upon which the defenders may proceed against the pursuers to this end.

Decreta, March 1631-April 1632. Fol. 242, b.

Fol. 243, a.

Complaint by Agnes Arnot against Laurence Thompson, her husband, for theft of money which the complainer had earned by the making of starch.

Fol. 243, b.

Complaint by Hew Tod, Writer to the Signet, and Agnes Ernot, wife of Laurence Thomesoun in Leith, as follows:—There was a contract made in 1630 between the said Laurence Thomesoun and his said spouse and the said Hew Tod whereby Thomesoun and his wife obliged themselves to procure a gift under the Privy Seal of "the making of stiffing" within the realm in their own favour, and by the same deed they, as if the gift had been already procured, granted a lease to the said Hew Tod of the sole right of making the said "stiffing" during the lifetime of the said Agnes Arnot for payment of the yearly duty therein specified, his entry to be at the date of the said contract. In terms of this deed the said Agnes Arnot in name of Hew Tod has since possessed "the said office of stiffing making be buying of wheat, making of the said stiffing, selling thairof, and uplifting of the moneyes thairfoir fra merchants, buyers of the same stiffing," for a year; but the said Laurence Thomesoun, understanding that the said Agnes Arnot had received certain money for paying of her creditors, from whom she had borrowed for buying wheat, "in his wounted maner come to the said Agnes her almerie within her said dwelling hous" and violently, on 19th July instant,

Decreta, March 1631-April 1632. Fol. 243, b.

Fol. 244, a.

under silence of night took the sum of 3000 merks; and, further, broke up her workhouses and took away "stiffing" and wheat of the value of other 3000 merks. He also struck the said Agnes, giving her "manie bloodie and blae straikes," put her out of her dwelling-house, and will neither allow her to enter nor give her her clothes. Both pursuers and defender compearing, the latter admitted that he took from his wife sixty two dollars and two pieces of gold for payment of some of his debts, which, with the evidence of some witnesses, having been heard and considered, the Lords ordain the defender to restore to his wife the money he had taken from her "dresser almerie," and the keys of her work house, so that she may pursue her trade of stiffing making at her pleasure, under tolerance of the said Hew Tod and in terms of the contract, and they reserve right to the pursuers to sue the defender for recovery of the rest of the money. They further ordain the defender to find caution in 500 merks for the indemnity of his wife; and she is to find caution in the books of Secret Council to relieve her said husband of all debts which she may contract in connection with her stiffing works.

Fol. 244, b.

Complaint by James Wallace and others against James and John Angus of Foulfordleyes for stopping a common way between the town of Duns and the sea.

Complaint by James Wallace, David Quhytheid, John Nisbitt, elder and younger, James Tait, elder and younger, William Tait, Robert Gray, George Johnestoun, William Litster, and John Henrie, for themselves, and in name of the remanent tenants of Colbrandspeth, as follows:— There is a common highway leading from the sea to the town of Dunce and other parts of the Merce, which passes between Colbrandspeth and the muir and moss thereof. By this way the complainers and their predecessors have always been accustomed to pass to diverse parts in the Merce, and also to and from the muir and moss of Colbrandspeth with horses and carts for winning of peats and fuel, and their privilege was never quarrelled nor interrupted until that, lately, James and John Angus of Foulfordleyes have "putt in certane great stones in the said hieway whairby he hes stopped all passage to his Majesteis lieges be hors or cart by that way." The complainers dealt with him for removing the stones, but he utterly refuses, and has occasioned twenty-four carts with their horses to stand idle from 8th to 11th July instant, to the great damage of the complainers and the disappointing them of their winter's fuel. Parties compearing personally, the defenders replied to the com-

Fol. 245, a.

plaint "that the halfe of the hie way being tane away be the force and violence of the waters and they fearing that for supplee thairof the saids persewars sould encroache upon thair heritage they to secure the same patt in stones in thair awne heritage whilk wes never anie hie way." The Lords, after hearing parties, appoint Sir James Baillie of Lochend, Mr. James Sydserfe of Ruchla, and James Happer of Bourehouses to visit the ground in dispute, find out what was the old way, how much of it was taken away, and how it might best be enlarged, and report to the Lords on 21st September next; and meanwhile they ordain the

defenders to remove the said stones and make the way patent to the lieges, promising that if the defenders are found in the right in their placing of the said stones, whatever loss they may sustain by their removal shall be made good to them. Decreta, March 1631-April 1632. Fol. 245, a.

Counter-complaint by James Angus of Foulfordleyes against John Arnot in Pathhead and others for damaging his lands and for assault.

Complaint by James Angus of Foulfordleyes, as follows:—He and his predecessors have been in peaceable possession of the lands of Foulfordleyes and their pertinents without trouble or interruption past memory of man until lately that Mr. James Nicolsoun of Colbrandspeth, by himself and others, has caused make roads and highways through the complainer's proper lands, and driven horses and carts through the same. When the complainer set in some stones to prevent people coming off the highway upon his lands and took instruments against the said Mr. James and his tenants for doing so, yet, upon July instant, John Arnot in Pethheid, William Arnot, his son, Robert Pannango in Colbrandspeth Tower, James Broun, Patrick Tennent, Walter Bissat and James Bissat, his son, Patrick Maislet, John Chrystesoun, Andrew Sandersoun, James Wallace, and Robert Hunter, all at the instigation of the said Mr. James, came to the complainer's said lands armed with "swords, stings and long weapons, and having hors and carts in thair companie they drave the same alongs ane great part of one of the compleaners rigs and there pulled up the stones sett in be him, as said is, and kuist thame away, delved up his proper ground; and the compleaner being accidentallie upon the feilds and having come to the saids persons, he being solitarie and without weapouns, after that he had modestlie reprehendit thame for this lawlesse oppressioun he departed. Bot how soone they perceaved him to be gone backe they followed after him and cruellie persewed him of his lyfe with great kents whairwith they gave him ane nomber of straikes in diverse parts of his bodie, strake him to the ground, verie cruellie birsed and bruised him, tramped and tred upon him with thair feit, drew thair whingers and strake out diverse straikes at him thairwith, hurt and woundit him upon the bellie and hand to the effusioun of his blood and perrell of his lyfe, and had not failed to have slane him if his sonne had not come for his releefe." Parties being cited and the pursuers compearing personally, and of the defenders the said Mr. James Nicolsoun, John and William Arnot, Robert Pannango, James Bissat, and James Wallace, probation was referred to the oath of verity of the defenders present, who being sworn denied the truth of the complaint except that John Arnot confessed that in his own necessary defence "he kuist the persewer doun and tooke his whinger frome him." The Lords accordingly assoilzie the defenders. Fol. 245, b. Fol. 246, a.

Supplication by Gabriel Porterfield of Hapland for protection to Mr. Matthew Crawford that he may act in

Supplication by Gabriel Porterfield of Hapland, as follows:—Their lordships have appointed Lord Tracquair on behalf of the Laird of Lesnoreis, and Mr. William Cunningham of Broomehill on behalf of the supplicant, to mediate between them for settlement of their differences, but the chief person interested is Mr. Matthew Crawford, brother of the

Decreta, March 1631-April 1632. Fol. 246, a.

said Laird, without whom it will be impossible to arrive at any settlement, and he therefore craves that their Lordships would grant their protection to the said Mr. Matthew for a certain time to attend upon this settlement. The Lords grant him until 31st August next; but if John Lokhart of Bar complains against this protection it is to be recalled. — connection with a dispute in which the complainer is engaged.

Fol. 246, b.

Supplication by Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamiltoun, her spouse, as follows:—They are in debt to certain creditors through her intromissions as tutrix of James Hamiltoun of Stenhous, her son, and intend for relieving themselves thereof to dispone part of their lands to Claud Hamiltoun of Strabrand, Master of Abercorne, but cannot come to Edinburgh for consultation with lawyers in respect of some hornings they underlie, and accordingly crave a protection from their lordships. The Lords grant them this until 31st August next. — Supplication by Agnes Maxwell, Lady Stenhouse, for protection that she may satisfy her creditors.

Supplication by Ahanna of Sorbie, and Ahanna, his son, as follows:—They have come to this burgh for giving satisfaction to their creditors, and are in some hopes of success if their Lordships would grant them a protection for a certain space. The Lords grant them this until 1st August next. — Similar supplication.

"Ane protectioun grantit to Sir John Scot of Newburgh for attending his actiouns before the Sessioun untill the saxt of August nixt." — Protection to Sir John Scot of Newburgh.

Sederunts, November 1629-January 1635. Fol. 62, a.

"To be advised the nixt Counsell day fra quhat tyme the prohibitioun for imbringing of dollours sall take effect." — Holyrood House, 21st July 1631. The importation of dollars.

Acts January 1631-May 1632. Fol. 78, b.

Sederunt—Chancellor; S[t] Andrewes; Privy Seal; Wintoun; Perth; Gallouay; Viscount Stirline; Lord Areskine; Bishop of Dunkeld; Bishop of Aberdein; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Jedburgh; Carnegie; Naper; Tracquair; Secretary; Advocate; Justice Clerk; Sir Robert Ker; Sir Robert Douglas; Sir John Scot. — Holyrood House, 26th July 1631.

"Forsameekle as the Lords of Secreit Counsell ar informed that thir diverse yeeres bygane there hes beene verie great disorder and confusioun amongs the fishers and couppers of herring the tyme of the herring drave of Dumbar and diverse insolenceis have beene committed be thame, als weill amongs thame selffes as upon his Majesteis subjects that comes to attend and await upon the fishing, not onelie be cutting, shaiking and stealing of thair nighbours netts, beirups and bowes under silence of night and stealing of the fishes being within the same and be the persute and invasioun one of another, to the great disturbance and trouble of the haill flote, bot with that ane nomber of thir fishers and couppers especiallie of the north coast doe carie away the herring tane be thame to the north coast without payment of assise or teind, expresse aganis his Majesteis lawes and Acts of Parliament, be the quhilks it is ordained that all slayers of herring and white fishe sould bring the same — Charge to fishers and buyers of herring at Dunbar to report the names of new boats and skippers to the representatives of the Lord Admiral before proceeding to examine the nets and buy herring at the said place.

to the nixt adjacent burrowes to the effect his Majesteis liegee might be first served and the rest salted and barrelled be free burgesses, quhairthrow not onelie is his Majestie defrauded of his assise rent and custome and his Majesteis subjects frustrat of the benefite of the sea appointed be God for thair nourishement, bot the burgesses and freemen of burrowes ar disappointed of thair traffique and commoditie; and if this abuse and disorder be suffered to be of continuance manie inconvenients will fall out to the hurt of the commoun weale. Thairfoir, the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie fishers and couppers of herring attending the herring drave and fishing at Dumbar be opin proclamatioun at the mercat croce of Dumbar and at the peir and shoare thairof, and be opin proclamatioun at the mercat croces of Mussilburgh, Carraill, Anstruther, Pittinweme, and others places neidfull, that nane of thame presoome nor take upon hand to weit thair nettis or buy anie herring till first they come to the Admiral his deputs or clerk resident at Dumbar for the tyme, and give up unto him the name of the skipper or awner of thair boate, and that they act thame selffes to keepe good order the tyme of the fishing, and that they sall make payment of his Majesteis assise, the teind and others dewiteis payable be thame, under the pane of twentie punds to be paid be the awner of the boate, if he be present, and if he be absent by the skipper, by and attour the reparatioun of the wrongs to be done be thame to anie of his Majesteis subjects whatsomever; certifeing thame that failyeis and sall doe in the contrair heirof that they sall be decerned to have incurred and to incurre the said pane, and executioun sall pas agane thame for payment of the said soume and for reparatioun of parteis harmed in forme as effeiris: for the quhilk act so to be made be thame in the clerkes bookes, as said is, they sall onelie be haldin to pay to the clerk aucht penneis money for his paines; and if the clerk sall exceid the said soume and sall exact anie forder payment or fee for his act nor aucht penneis it is heirby declared that he sall incurre the soume of ten punds money for everie failyie to be committed be him in exacting of forder payment and fee for his act over aucht penneis, and executioun sall pas aganis him for payment thairof in forme as effeirs." Acta January 1631-May 1632. Fol. 78, b. Fol. 79, a.

Anent the casting of stones into the Forth above Queensferry.

"Forsameekle as the Lords of Secreit Counsell ar informed that the Water of Forthe above the Quenisferrie is farre spoyled and filled with stones and sand in sindrie parts by the strangers arryving for coale and salt within the firth who casts thair ballast in the saids places so as there is no sure ankering for shippes in manie parts of the said water, to the great hurt and discredite of the cuntrie; thairfoir the saids Lords gives and grants commissioun be thir presents and thair speciall command and directioun be [to] the Burrowes of this kingdome to caus sight and consider the said water abone the Quenisferrie what hurt and harme is done there by casting of the ballast of shippes thairin; and for this effect Fol. 79, b.

Acta January 1631-May 1632. Fol. 79, b.

to plumbe the water in all places neidfull and to examine the deepenesse thairof and soundnesse of the ground for ankering of shippes, and to take ane perfyte tryell and survey of the estait of the said water betuix and Michaelmes nixt, and to report the same to the saids Lords upon the first Counsell day after Hallowmesse."

Anent the setting up of lights on the Skairheads.

"The whilk day the Commissioners for the Burrowes compeirand personallie before the Lords of Privie Counsell reported that they had considderit the gift craved by Johne Duff for setting up of lights upon the Skairheids whairunto he hes right be assignatioun made to him be the airis of M^r^ Johne Broun, to whome the patent wes first grantit, and declared that they find ane great danger in the preparative to the prejudice and interruptioun of trade; and that in respect of the shortnes of tyme they could not have leasure to examine the expediencie of suche a gift."

Decreta, March 1631-April 1632. Fol. 247, a.

[Sederunt as recorded above.]

Holyrood House, 26th July 1631.

Complaint by John, Lord Erskine, against certain persons who refuse to adopt the new process of tanning.

Complaint by John, Lord Areskine, as formerly (see *ante*, p. 162) against the following recalcitrant tanners, viz., Robert Neilsoun, Jasper and John Cuthberts, John Peddersoun, John Reid, John Ker, George and James Dicks, John M^c^Connochie, Finlay Marquis, Rannald Duff, James Stalcall and Finlay Gordoun, all in Inverness, Alexander Dow

Fol. 247, b.

M^c^Williame M^c^Allane, Gilbert Paul, David Scot, William Dow and Robert Smellie in Channonrie; Paul Gairdner, John Sinclare, Andrew Ferquhar, Thomas Strauchane, Thomas Tailyeour and Thomas Murrey in Forres; Donald M^c^Alister *alias* Ros, William Hay, Robert and John Roy, Alexander M^c^Kindlay Dowie, Finlay Rebry, John Clerich, William Brachter, John Cumming, John Cooke, and William Carinche, all in Tayne; Finlay Cleriche in Tarbert, Alexander Tarbert in Arvo, John and Alaster M^c^Key in Kilmewre parish, Finlay Roy in Geneis, Dondald M^c^Undie, Alexander Garge in Mylnetromy, and Alexander Braibner in Hiltoun of Tayne, who being cited before the Council, and the pursuer being personally present, there compeared the said Robert Neilsoun, John Pedesoun, John Reid, John Keir, George Dick, John M^c^Connochie,

Fol. 248, a.

Ronald Duff, James Scalcall and Finlay Gordon, while Jasper Cuthbert was excused on a certificate under the hand of the provost, bailies, and some of the council of Innernes, to the effect that he was "ane poore, old, decrepit and deiff man, unable to travell on foote or hors." After hearing parties, the Lords, for the convenience of the defenders present, and to obviate their coming back again before the Council, appoint Hucheon Ros of Kilrawack, and Mr. Samuel Falconner of Kintroche, or either of them, to hold courts and try the defenders regarding their alleged contravention of the law, and take order for their future obedience, and each of the defenders enacted himself under a penalty of

£100 to appear before the said courts, and obey the orders prescribed anent the tanning. With respect to the defenders who failed to appear, the Lords ordain them to be put to the horn and escheat. Decreta, March 1631-April 1632. Fol. 248, a.

Complaint by Robert Buchan, burgess of Aberdeen, against George Rowan, merchant in Dundee, and others for fishing for pearls to the prejudice of the commission of the complainer.

Complaint by Robert Buchan, burgess of Aberdeen, as follows:—His Majesty and their Lordships were pleased to appoint him commissioner for "fishing and seeking of pearle," within the whole waters of Aberdeenshire and bounds of Sutherland, Ros, and Strathnaver, so that none might engage therein but such men of skill as should be appointed by him, and from whom he should receive all pearls found in the months of July and August (which is the proper season for seeking of pearls) upon reasonable prices to be paid by him for them. In the execution of this commission the complainer has been very careful to approve himself worthy of the trust reposed in him by his Majesty, and has duly proclaimed and notified the terms of his commission to all parties, yet George Rowane, merchant in Dundie, John M^cAlaster Moir, merchant, Donald M^cIlle V^cMerkie, merchant; Thomas Vaus, burges of Invernes; Donald M^cUriquhie, merchant in ; Donald Fouller, elder and younger, William Monro, burgess of Tayne; and Robert Cruikschanke, burgess of Aberdein, have frequently contravened the complainer's commission since it was granted in 1625 by fishing for pearls without his warrant, and selling the same to all persons at their pleasure and to strangers for small advantage, whereby "the broode of the pearle is spoyled," his Majesty is deprived of the benefit of the same, and the complainer's commission, in respect of which he has been at great charges, made unprofitable. Charge having been given to these persons, and the complainer appearing by Mr. Robert Petrie, his procurator, and the said Donald Fouller, elder and younger, by their procurator, James Gibsoun, but none of the other defenders, the Lords grant commission to the provost and bailies of Aberdein to meet on the first Tuesday after the 15th of September and take the oaths of the said Donald Fouller, elder and younger, upon their alleged contravention of the said commission and proclamations; and they ordain the remanent defenders to be put to the horn and escheat. Fol. 248, b. Fol. 249, a.

Complaint by Michael Carlisle in Cokesfield against the Viscount of Drumlanrig for illegal warding.

Complaint by Michael Carlill in Cokisfield, as follows:—On June last, as the complainer was coming from the park of Dalswinton toward the place of Drumlanrig for doing his lawful business, George Rig, bailie to the Viscount of Drumlanrig, and Mr. George Douglas, his brother, at the direction of the said Viscount, but for what cause he knows not, apprehended him and took and imprisoned him in the place of Drumlanrig, where they have kept him for a month, and refuse all caution for putting him to liberty. Charge having been given to the said Mr. George Douglas and George Rig, the former compeared and produced the complainer, and stated that complaint was made to the said Viscount by Sir John Maxwell of Conhaith that the complainer had stolen some goods from him, and as the complainer dwells in his Fol. 249, b.

Decreta, March 1631-April 1632. Fol. 249, b.

bounds, the Viscount, as lord of the regality of Drumlanrig, ordered his apprehension. The complainer replied that he was "ane honest and trew man," and never stole any goods belonging to the said Sir John; and accordingly he offered himself for trial before any impartial judges within the kingdom. The Lords appoint John, Lord Stewart of Tracquair, Robert, Lord Dalzell, and Sir Robert Greir of Lag, commissioners of the Middle Shires, or any two of them, Lord Tracquair being one, to be judges for trying this case in the burgh of Dumfreis on 14th August next, and meanwhile the complainer is to be liberated, he acting himself in 1000 merks, with John Maxwell, burgess of Dumfreis, as his cautioner, that he will then appear and undergo his trial.

Fol. 250, a.

Caution by James Cheyne of Arnage for Sir William Forbes of Monymusk.

Act of caution by James Cheyne of Arnage in 2000 merks that he will not molest Sir William Forbes of Monymusk, his wife, children, tenants or servants.

Similar act of caution.

Similar act of caution by him in 1000 merks with respect to John Forbes of Leslie.

Similar act of caution.

Another like act of caution by the same in 500 merks with respect to Patrick Rid in Carnabo.

Fol. 250, b.

Similar act of caution.

Act of caution by Sir William Forbes of Monymusk in 2000 merks for the indemnity of James Cheyne of Arnage, his family and household, etc.

Similar act of caution.

Act of caution by John Forbes of Leslie in 1000 merks to the same effect.

Similar act of caution.

Act of caution by Patrik Rid in Carnabo in 500 merks to the same effect.

Complaint by William Alexander, merchant burgess of Dundee, against James Durham of Pitkerro and others for illegal warding.

Fol. 251, a.

Complaint by William Alexander, merchant burgess of Dundee, as follows:—His Majesty was pleased in consideration of the complainer's great losses at the hands of the Dunkirkers, who robbed him of his ship and goods, and so disabled him from paying his creditors, to grant him a protection for a year from the date of the appending of the great seal thereto, which was on 2nd June last, yet the provost and bailies of Dundee at the desire of James Durhame of Pitkerro, Peter Balmanno of Carlungzie, Robert Murrey, Marjory Gleg, and James Cochrane, burgess of Dundie, her spouse, the complainer's creditors, apprehended him and detain him still in ward in thair tolbooth, and part of his debts is a cautionary for Archibald Kid. Charge having been given to these persons, and the pursuer appearing by Mr. John Galloway, his procurator, but of the defenders only James Durhame of Pitkerro, who appeared by Mr. James Durhame, his son, the Lords, after hearing parties, ordain the provost and bailies of Dundie to liberate the pursuer in so far as he is warded at the instance of any of the defenders, he first finding caution to pay what he is due to the said James Durhame before 15th September next or then re-enter to his present ward, where he shall remain, notwithstanding his letters of protection, until he pay the same.

Fol. 251, b.

Supplication by Patrick Gaw M'Farlane for reduction of a fine for carrying a pistol.

Supplication by Patrick Gaw M'Farlane, as follows:—On July he was convicted before the Justice for carrying of a pistol when he was on a journey to Argyle with a sum of money belonging to Lord Lorne, and was ordained to pay a fine of £100. This exorbitant sum was only imposed upon him through the misinformation of his party, who gave out that he was worth 10,000 merks, whereas "he is onelie ane meane merchant youth living onelie be his trade and having little or no stocke." He only carried the pistol in his necessary defence in a dangerous journey and never offered violence to any one therewith, and he craves that their Lordships would mitigate the fine. The Lords reduce it to £40. Decreta, March 1631-April 1632. Fol. 251, b. Fol. 252, a.

Supplication by John Ahanna of Sorbie for protection to himself and Alexander Cunningham.

Supplication by John Ahanna of Scorbie, as follows:—Their Lordships have granted their protection to him to come to Edinburgh to deal with the Earl of Galloway for relief of some debts wherein he is engaged for him. The business cannot proceed without the presence of Alexander Cunninghame of Powtoun, and as he is incapacitated by reason of some hornings the supplicant craves a protection for him also. The Lords grant him until Saturday at night.

Extension of protection to John Stewart of Coldingham.

The Lords extend the protection granted to John Stewart of Coldinghame for settling his accounts with Robert Douglas of Blaikester till 6th August next.

Holyrood House, 26th July 1631. Missive from his Majesty anent the fishing.

"A missive frome his Majestie concerning the fishing and the places craved to be reserved for the use of the natives, a copie quhairof wes givin to the Burrowes and they required to give thair ansuer thairto on Thurisday nixt. Sederunts, November 1629-January 1635. Fol. 62, a.

Anent the importation of dollars.

"A proclamatioun discharging all importatioun of dollours by land after the first of September, and commanding all persouns who sall transport anie goods or commoditeis into England that they make ane returne of the pryces thairof in good money of the speces and at the rates conteanit in the acts of Counsell concerning the course of forrane coyne; and that the salt and coale maisters receave no dollours for thair coale or salt after Martimes nixt, bot that the pryces thairof be payed unto thame in the speces allowed to have course as said is." Fol. 62, b.

Anent the selling of yarn.

"A proclamatioun commanding all yarne to be sauld be weight after the first of September."

Anent the casting of ballast into the Forth.

"The Lords ordains the proclamatioun made anent the casting of the ballast in the firth to be renewed, with command to the keeper of the cocquet at Culros to take the oath of all strangers arryving within the firth of thair obedience of the proclamatioun; and if they have contraveened the same by casting of ballast in the firth. Lykeas the Lords gives commissioun to the Burrowes to caus make a tryell and survey of the estait of the firth betuix and Michaelmes nixt and to report the first Counsell day after Allhallowtyde."

John Stewart of Coldingham.

"The Lords prorogats the protectioun grantit to Johne Stewart of Coldinghame untill the saxt of August nixt."

Sederunts, November 1629-January 1635. Fol. 62, b.

"Ordanis the Erle of Wintoun, Belmerinoch, Thomas Thomesoun of Duddingstoun, Harie Nisbitt, Nicoll Udward, Androw Simsoun and the Maister of Worke, to consider the hie wayes betuix and the Sands, and the charges that the reparatioun thairof will require and how and be whome the same sall be repayed, and to report." Anent the highways.

Acta January 1631-May 1632. Fol. 79, b.

Sederunt—Chancellor; S^t^ Andrewes; Privy Seal; Wintoun; Linlithgow; Perth; Viscount Stirline; Lord Gordoun; Areskine; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Isles; Lord Melvill; Lord Carnegie; Lord Naper; Tracquair; Secretary; Clerk Register; Advocate; Sir John Scot; Sir Robert Ker; Sir Robert Douglas; Sir James Baillie. Holyrood House, 28th July 1631.

"Forsameekle as the order of baronnets erected by our soverane lord and his lait deir father of blessed memorie for fordering the plantatioun of New Scotland wes approvin by the whole Estaits of this kingdome at the last Conventioun, and his Majestie understanding by manie reports that come from hence and by the sensible consideratioun and notice takin thairof by nighbour countreis how weill that worke is begun, his Majesteis right truist cousine and counseller, the Viscount of Stirline, his Majesteis lieutennent there, having fullie performed what wes expected frome him for the benefite whilk wes intendit by these baronnets, and his Majestie being verie desirous that he suld not suffer thairin bot that both he and others may be encouraged to prosecute the good beginning that is made, his Majestie for this effect is so farre (whatever controversie be about it) frome quytting his title to New Scotland and Canada that his Majestie will be verie carefull to mainteane all his good subjects who doe plant thame selfes there and will let nane of the baronnets be anie wayes prejudged in the honnour and priviledges conteanit in thair patents, bot will punishe all that darre presoome to wrong thame thairin, for encouraging of others to take the lyke course as the more acceptable to his Majestie and the neerer to ane title of nobilitie, whairunto that of baronnet is the nixt degree; and ordains letters to be direct charging officiars of armes to pas and make publicatioun heirof be opin proclamatioun at the mercat croce of the heid burrowes of this kingdome and uthers places neidfull, quhairthrow nane pretend ignorance of the same." Proclamation anent Nova Scotia Baronets.

Fol. 80, a.

"The Lords of Secreit Counsell for the better forderance and advancement of the plantatioun of New Scotland gives and grants commissioun be thir presents to Thomas, Erle of Hadinton, Lord Privie Seale; George, Erle of Wintoun; Alexander, Erle of Linlithgow; Robert, Lord Melvill; Johne, Lord Tracquair; Archibald, Lord Naper; David [*sic*], Bishop of Rosse; Sir Archibald Achesone, Secretare; Sir Johne Hamiltoun of Magdalens, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, Advocate; Sir George Elphinstoun, Justice Clerk; Sir Johne Scot of Commission to Thomas, Earl of Haddington, and others to meet with the Viscount of Stirling and the Nova Scotia baronets anent the plantation in New Scotland.

Scotistarvet, and Sir James Baillie, or anie fyve of thame, without excluding of anie others of the Counsell who sall be present, to conveene and meit with Williame, Vicount of Stirline, and the knights baronnets, at suche tymes and places as the said Vicount of Stirline sall appoint, and to conferre with thame upon the best meanes for the fordering of the said plantatioun, and to make and sett doun overtures thereanent and to present and exhibite thame to the saids Lords to the intent they may allow or rectifie the same as they sall thinke expedient. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Seing we have seene by ane letter frome yow how the order of baronnets erected by our lait deere father and us for furthering the plantatioun of New Scotland wes approved by the whole Estaits of our kingdome at the last Conventioun, and that we understand both by thair reports that come from thence and by the sensible consideratioun and notice takin thairof by our nighbour countreis how weill that worke is begun, our right trustie and weilbelovit counsellour, Sir Williame Alexander, our lieutennent there, having fullie performed what wes expected frome him for the benefite which wes intendit for him by these baronnets, being verie desirous that he sould not suffer thairin bot that both he and others may be encouraged to prosecute the good beginning that is made, as we heartilie thanke all suche as have contributed their aid by contracting with him for advancing of the said worke alreadie, our pleasure is that yow seriouslie consider either amongs yow all or by a committee of suche as ar best affected toward that worke how it may be best brought to perfectioun; for we are so farre (whatever controversie be about it) frome quytting our title to New Scotland and Canada that we will be verie carefull to mainteane all our good subjects who doe plant thame selfes there and lett nane of the baronnets anie wayes be prejudged in the honnour or priviledges conteanit in thair patents by punishing of all that darre presoome to wrong thame thairin, that others may be encouraged to take the lyke course, as the more acceptable unto us and the neirer unto a title of nobilitie, whairunto that of baronnet is the nixt degree. And if the said Sir Williame as our lieutennent of New Scotland sall conveene the baronnets to consult togidder concerning that plantatioun, we heirby authorize him and will yow to authorize him as farre as is requisite for that effect; willing that proclamatioun be made of what we have signified or of what yow sall determine for furthering that worke, whairof we recommend the care unto yow as ane mater speciallie importing our honnour and the good of that our ancient kingdome. So we bid yow fareweill. Frome our mannour at Greenewiche, the twelfe day of Julij 1631."

Acta January 1631-May 1632. Fol. 80, a.

Letter from his Majesty authorising the above commission.

Fol. 80, b.

Acts January 1631-May 1632. Fol. 81, a.

"Forsameekle as the Lords of Secreit Counsell, considering the great skarsetie of his Majesteis proper coyne current within this kingdome, occasioned by the frequent transport thairof and importing of dollours in place of the same, whairwith the countrie is now filled, and these dollours being of diverse prints, weight and fyneneesse hes course at the appetite of the receiver and delyverer at high pryces farre abone his Majesteis awne moneyes, to the scandall and disgrace of his Majesteis governement, and to the hurt of his Majesteis subjects, who ar abused by thair ignorance of the trew worth and pryces of the saids dollours. And the saids Lords being carefull to obviat and prevent the forder grouth and incomming of thir dollours and to provide and foresee by all lawfull meanes whairby the countrie may be furnished with good moneyes till tyme and occasioun offer a better opportunitie for remedying the present abuse and course of dollours, thairfoir the saids Lords after verie good advice and deliberatioun hes thought meit and expedient, concluded and ordained that there sall be ane restraint of importatioun of anie dollours be land within this kingdome after the first day of September nixtocome, and that there sall be the lyke restraint, inhibitioun and discharge of receaving of anie dollours for coale or salt after the first day of November nixtocome that in this meane tyme the maisters and awners of the coale hewes and salt panns may give tymous advertisement and warning to the strangers, traders with thame for coale or salt, that they bring no dollours to thame for the pryce of the salt and coale; and for this effect ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places neidfull that nane of thame presoome nor take upon hand to import anie dollours be land within this kingdome after the first day of September nixt under the pane of the confiscatioun of the saids dollours to his Majesteis use, besides the forder punishement of the imbringers thairof in thair persons and goods at the arbitrement of his Majesteis Counsell. And to the intent the countrie may be better furnished and provided in good moneyes to command and charge all and sindrie merchants, traffiquers and others his Majesteis subjects, who after the dait heirof sall transport anie bestiall, goods or commoditeis from hence to England, that they in no wayes make returne of the pryces of thair saids bestiall and goods in dollours bot in his Majesteis awne proper coyne or in the forrane speces after specified, quhilks by former acts ar allowed to have course within this kingdome at the pryces and in maner following, viz., the Spanish pistolet, weighing twa deneirs and fyftene graynes, for four punds sevin shillings sax penneis; the Frenche crowne, weyghing twa deneirs and fyftene graynes, for foure punds nyne schillings; the Rose noble, weyghing fyve deneirs and twentie twa graines, for ten punds ten shillings; the half rose noble, weyghing twa deneirs and twentie twa graynes, for fyve punds foure shillings; the quartidiskue,

Proclamation forbidding the importation of dollars after the ensuing 1st of September.

Fol. 81, b.

weyghing sevin deneirs twelffe graines, for nyntene shillings, and the single ryall, weyghing twa deneirs fyftene graines, for sax shillings aucht penneis; under the pane of the confiscatioun of the saids dollours and of all other forrane speces whairin the said returne sall happin to be made contrare to the tennour of this proclamatioun. And siclyke to command, charge and inhibite all and sindrie maisters and awners of coale hewes and salt panns within this kingdome that nane of thame presoome nor take upon hand to receave anie dollours for coale or salt after the said first day of November nixtocome bot that the pryces thairof be payed and delyvered unto thame in the speces abonementiouned having course at the rate and pryce before exprest under the said pane of confiscatioun of the dollours and punishement of the parteis receavers of the same at the arbitrement of the Counsell: Commanding heirby his Majesteis Thesaurar and Deputie Thesaurar to caus diligent inquyrie and searche be made that no dollours be imported within this kingdome after the tymes respective appointed to that effect, and if anie sall be apprehendit to seaze thairupon and to confiscat the same to his Majesteis use, and that they use thair best care and diligence for tryell and discoverie of the persons imbringers of the saids dollours to the intent they may be callit, persewed and punished in maner abonewrittin." Acta January 1631-May 1632. Fol. 81, b.

Proclamation commanding that after the ensuing 31st of August all yarn be sold by weight.

"Forsameekle as the trade and industrie of making of yarne and buying and selling of the same both within and without the kingdome thir diverse yeeres bygane hes provin verie profitable to the countrie, and so long as it wes faithfullie and trewlie used it wes a speciall meane whairby moneyes and other necessar commoditeis wer imported and manie poore people haldin at worke; bot within thir few yeeres there is suche fraude and deceate used by the commouns in not using the first lenth of the reill and in abstracting of the trew nomber of the threids allowed for the hespe and cutt that there is now no trust at all given to the yarne of this kingdome, and there is little or no dispatche for it ather within or without the countrie to the great discreditie of the countrie and hurt of the subjects who formerlie traded with yarne; for preventing of whilk deceate and fraude in tyme comming the Lords of Secreit Counsell hes thought meit and expedient, concluded and ordained that after the last day of August now approacheing nane of the yarne of this kingdome sall be sauld bot be the weight; and for this effect ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places neidfull, and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand after the said last day of August to sell anie yarne within this kingdome in small or great quantitie bot be the weight, under the pane of confiscatioun of the yarne so to be sauld; and to command all magistrats to burgh and land that they and everie ane of thame within thair severall bounds, offices Fol. 82, a.

Acta January 1631-May 1632. Fol. 82, a.

and jurisdictioun caus diligent care and attendance to be givin that no yarne be sauld within this kingdome bot be the weight; and where they sall deprehend anie contraveening this present act that they meddle and intromitt with the yarne, confiscat and escheit the same, the ane halfe to his Majestie and the other halfe to the deprehender, as the saids magistrats will answere upon the dewtifull discharge of thair offices."

Proclamation forbidding the casting of ballast into the Forth.

"Forsameekle as the river and water of Forth abone the Quenisferrie is farre spoyled and hurt on both sides thairof by the frequent casting of ballast within the same, quhairthow the water is so filled with sand and stanes as it is become verie unsure for the shippes to anker and ly at, and if some present course be not tane for preventing this uncontrolled libertie, quhilk als weill natives as strangers hes tane and takes to cast thair ballast in the Firth, the said river, whilk is the speciall river in this kingdome where trade with shipping is most frequented, will in short tyme become in desuetude throw the insufficiencie thairof for shippes to anker

Fol. 82, b.

and ly at, to the great reproache and scandall of the countrie. Thairfoir the saids Lords ordains letters to be direct to command, charge and inhibite all and sindrie awners and merchants of shippes and vessellis, als weill strangers as the natives of this kingdome arryving within the firth for coale, salt or anie other commoditie, be opin proclamatioun at the mercat croce of Edinburgh, peir and shoare of Leith, and at the mercat croces of Culros, Burrowstounesse and others places neidfull, that nane of thame presoome nor take upon hand at anie tyme after the publicatioun heirof to cast thair ballast in anie part of the firth bot at suche speciall parts and places thairof as sall be designed unto thame be the awners of the coale and salt fra whome they sall receave thair loading under the panes following, to witt, everie shippe of fourtie tunne of burdein and abone under the pane of twentie punds, and everie shippe and other vessell within that burdein under the pane of ten punds so oft as they or anie of thame sall happin to failyie; and to command and charge the awners of the coale hewes and salt panns upon the said water that they and everie ane of thame respective at the arryvall of anie shippe or other vessell to buy thair coale and salt visite and sight the saids shippes and vessells if thair ballast be cassin in convenient places where they may cast thair ballast without hurt to the river, and that they have a speciall care that the ballast be cassin in no other part nor place bot in the places to be designed, as said is, under the pane of ane hundreth punds to be incurred be everie persoun so oft as they failyie. And siclyke to command and charge the keeper of the cocquet at Culros that he take the oath of all strangers arryving within the firth of thair obedience to the said proclamatioun, and if they have contraveenned the same by casting of ballast in the firth, and that the said clerk of the cocquet delyver no cocquet unto thame till they give the said oath, as he will answer to the saids Lords upon the dewtie of his office."

Proclamation anent leading of teinds.

"Forsameekle as the Kings Majestie, out of his royall and princelie regarde of the weale of this his ancient kingdome, being carefull to forsee all occasiouns for preventing anie inconvenient that may come by leading of teinds this yeere, his Majestie for this effect gave directioun to the commissioners nominat be his Majestie for the treatie anent the Surrenders and Teinds to take some course that the heretours might leade the teinds of thair awne lands according to the valuatiouns made or to be made, they paying or securing thair teind maisters for the same, especiallie where the titular being callit wes found and declared to be in default of the not valuatioun of teinds; quhairupon sindrie titulars and heretours being lawfullie conveenned before the saids commissioners, and they having takin tryell in some particulars concerning this bussines, a part of thame hes beene discust, bot the shortnesse of tyme and manie great occasions of his Majesteis effaires and service in the meane tyme interveening impeded and stayed the commissioners to discusse all the citatiouns and warnings givin to that dyet. And whereas some mistaking might be apprehendit be his Majesteis subjects of his Majesteis gracious and royall intentioun anent the mater of the teinds as if his Majestie intendit that everie heretour sould leade his teind without respect to the valuations and in whois default the not valuations hes proceedit, thairfoir the Lords of Secreit Counsell for preventing of suche mistakings and for cleering of his Majesteis subjects of thair doubts in this point hes thought meit heirby to signifie and declare that nane of his Majesteis subjects whatsomever ar warranted by his Majestie to leade thair teinds this present yeere bot suche as hes beene in use of leading thir diverse yeeres bygane and hes beene heard before the saids commissioners and by thame hes beene allowed to doe the same; and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majestes lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull that nane of thame presoome nor take upon hand to leade thair teinds this present yeere except suche persons as hes beene in use of leading thair teinds thir diverse yeeres bygane and suche as hes beene warranted be the saids commissioners to doe the same, they fulfilling to the titulars the conditiouns prescryved to thame, under all highest pane, cryme and offence that they may incurre aganis his Majestie in that behalfe, and to be callit, persewed and punished as disturbers of the publict peace and quyetnes of the kingdome." Acta January 1631-May 1632. Fol. 82, b. Fol. 83, a.

Commission to George, Earl of Winton, and others to examine the way between the Clockmylne and the Sands of Leith with a view to its being repaired.

"Forsameekle as the hie way betuix the Clockemylne and the Sands of Leith is verie farre worne and become impassable for man or hors in tyme of winter, and being the speciall passage to and fra Edinburgh whairby all kynde of vivers are brought into the same, the imbringing of the said vivers is now verie farre interruptit and hindered be the insufficiencie of the said way; thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heirof gives and grants, full power

Acta January 1631-May 1632. Fol. 83, a. Fol. 83, b.

and commissioun to George, Erle of Wintoun; Johne, Lord Balmerinoch; James Murrey, Maister of his Majesteis Workis; Sir Thomas Thomesone of Duddingstoun; Henrie Nisbit, portioner of Restalrig; Nicoll Udward, and Androw Simsone, baillies of Edinburgh, to consider the said way and the charges that the reparatioun thairof will require, and how and be whome the same sall be payed, and to report thair judgement and opinion heeranent to the saids Lords upon the twentie ane day of September nixt."

Act approving the capture of a pirate ship by Lord Kintyre.

"The whilk day Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome during the minoritie of the Duke of Lennox, reported to the Lords of his Majesteis Secreit Counsell how that upon informatioun made to the Lord Kintyre of some pyrats resorting in the west seas be whome his Majesteis good subjects wer daylie infested and thair goods spoyled and takin frome thame the said Lord Kintyre directed and sett furth to sea ane great boate weill manned and appointed with all warrelike furniture, who rancountering with one of the pyrat shippes they entered in persute of the same and after ane sharpe and cruell conflict whairin some wer killed they tooke the said pyrat ship with of her companie who wer delyvered to the said Admirall to underly thair deserved punishment. Whiche reporte being heard and considderit be the saids Lords and they acknowledging the said Lord Kintyre his honnourable and worthie cariage in the mater abonewrittin, the saids Lords finds and declares that the said Lord Kintyre and his freinds and servants imployed be him for persute of the said shippe hes done good and acceptable service to his Majestie and the Estait in taking of the said shippe and exhibitioun to the Admirall of some of the companie of the same, and exoners and discharges the said Lord Kintyre, his servants and others foresaids of all pane, cryme, or offence that may be impute unto thame for persute and taking of the said shippe, killing of anie of the companie of the same and presenting the rest to justice, and declares thame free thairof in tyme comming."

Anent the proposed lights on the Skairheads and the Isle of May.

"The Lords of Secreit Counsell recommends to the commissioners for the Burrowes to conveene everie ane of thame within thair awne touns and to take tryell of the expediencie of erecting of lights upon the Skairheids and the May, and to report thair reasouns *pro et contra* upon the twentie ane day of September nixt."

Decreta, March 1631-April 1632. Fol. 252, b.

[Sederunt as recorded above.]

Holyrood House, 28th July 1631.

Complaint by Dame Katharine Cuninghame, Lady Glengarnock, against George Buchanan, apparent of that Ilk, for

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Dame Katharine Cuninghame, Lady Glengarnock, as follows:— Lady Glengarnock has recovered decree before the Lords of Session against Sir John Buchanan of that Ilk and other possessors of the lands of Bandallache and castle thereof, and certain other lands, and for their removal therefrom she raised letters of horning against them. These

deforcing a sheriff-depute from the house of Bandallache, which had been decreed by the Lords of Session to belong to the complainer.

letters, however, were suspended upon their offers of obedience and caution. She expected then to have obtained possession of the lands, but the said persons have not removed and will not. She accordingly raised letters to compel the Sheriff of Stirline to enforce the law, and so John, Earl of Mar, as sheriff, being thus charged, caused Robert Stewart of Culbeg, one of his deputes, to take action. He, on 6th July instant, went to the place of Bandallache for this purpose, but notice having been conveyed to George Buchannan, apparent of that Ilk, he collected a number of his own tenants and of other people, chiefly rebels and soldiers, and arming them with muskets, hagbuts, and other invasive weapons, he placed them in the house of Bandallache, furnished it with provisions and ammunition, and gave these persons strict orders that if any approached the house to force an entrance, they should immediately discharge their muskets and hagbuts at them. They also carried up with them to the wall head a number of great stones to throw down upon those that came near. The said George himself "walked up and doun the greene foreanent the yett in contempt of the said shireff depute," who having told him his object in coming and that he behoved to obey, was answered by him disdainfully, that he would keep that place and render it on no condition. The sheriff depute having then ordered "to brasche the yett with forehammers," the said George told him that he would do that at his peril, and called up to his men to cast down the stones upon the sheriff depute and discharge their weapons, meanwhile uttering disgraceful speeches against the sheriff depute, who, being thus violently deforced, gave way. The Lord Advocate appearing personally, and Lady Glengarnock by Mr. William Cunninghame of Broomehill, but not the defender, the Lords after hearing the evidence of witnesses, find that the said George Buchannan deforced the said sheriff depute by crying to his servants to cast down stones upon him, which they accordingly did, and by presenting pistols at him, for which insolence they ordain him to be charged to enter into ward in the tolbooth of Edinburgh within six days upon pain of rebellioun; and if he fail to do so to put him to the horn and escheat.

Decreta, March 1631-April 1632. Fol. 252, b.

Fol. 253, a.

Fol. 253, b.

Complaint by George, Earl of Crawford, and others against Thomas Fotheringham, sheriff of Forfar, for not holding his courts at Forfar, which is the head burgh of the shire.

Complaint by George, Earl of Crawfurd; John, Earl of Kinghorne, James, Lord Ogilvie, and Alexander, Lord Spynie, for themselves and in name of their friends, tenants and servants dwelling within the sherifdom of Forfar, and by the provosts, bailies, and inhabitants of the burghs of Forfar, Arbrothe, Brechin, and Monrose, as follows:—Throughout the whole kingdom, in all the shires, the sheriff courts are held within the head burgh thereof, and by law the sheriff clerks are required to reside within the said burgh. Now, the burgh of Forfar is the head burgh of the shire of Forfar, "standing almost in the verie heart and middes of the shirefdome," is the most commodious place for holding the sheriff courts, and has in all times and ages bygone possessed the liberties, freedome and privileges proper and due to other head

Fol. 254, a.

Decreta, March 1631-April 1632. Fol. 254, a.

burghs, and these should not now be refused to the complainers; yet Thomas Fothringhame of Powrie, present Sheriff of Forfar, whose dwelling-house is very near the burgh of Dundie, and whose present dwelling is within that burgh, for his own ease, and the ease of his deputes and clerks, who also reside in the said burgh, has commenced to keep the sheriff-court there, so that the complainers are obliged to travel twenty or thirty miles, by which they are heavily prejudged; and this notwithstanding that their Lordships by their former decree had ordained

Fol. 254, b.

the said Sheriff to keep his courts at the burgh of Forfar. Parties being cited, and the said Lord Ogilvie and Lord Spynie appearing for themselves and the Earl of Crawfurd, and their friends, tenants and servants, and Mr. David Persoun, clerk of Forfar, appearing for the rest of the pursuers, the said Sheriff being also present as defender, the Lords find that, according to the universal custom of the kingdom, the sheriff courts of Forfar ought to be held within the burgh of Forfar as the head burgh of the said shire, and they ordain the said Sheriff and his successors in office to keep their courts there in all time coming, without prejudice, however, to the provost, bailies and council of Dundie raising an action of reduction on account of their not being cited to the giving of this decree: and further, notwithstanding of the premises, they allow the defender, during his term of office, to hold his courts within the burgh of Dundie.

Fol 255, a.

The Lords of Privy Council, by warrant from his Majesty, gave directions for making a general collection on behalf of the distressed ministers of the Palatinate throughout all the kirks of the kingdom, and the money uplifted in each parish was to be delivered to the moderator of each presbytery to be by him paid to George Suttie and William Gray, merchants in Edinburgh. Now, the moderators and ministers within the diocese of St. Andrews have greatly neglected their duty in this matter, and have not delivered up the money collected by them, and so disappoint those for whom it was collected. Charge having been given to Mr. Alexander Gledstains, moderator of the presbytery of St. Andrewes; Mr. Thomas Baxter, minister at Denbuge, moderator of the presbytery of Cowper; and Mr. John Malcolme, moderator of the presbytery of Perth, to send in their money as directed, and, if not, to appear this day to answer upon their refusal, and the said ministers

Fol. 255, b.

neither appearing, nor having sent in their money, as was affirmed by the Bishop of St. Andrewes, who was personally present, the Lords ordain them to be put to the horn and escheat.

Mr. Alexander Gledstanes, moderator of the Presbytery of St. Andrews, and others put to the horn and escheat for not delivering the subscriptions raised for the Palatine ministers to the collectors appointed by the Council.

Complaint by Robert Murray in Birgem against the Earl of Home for warding the complainer in the Tolbooth of Edinburgh and

Complaint by Robert Murrey in Brigame, servitor to the Earl of Home, as follows:—About a year ago one Adam Hay, indweller in Fairburnemylne, also servitour to the said Earl, cruelly slew George Murrey, the complainer's father. The complainer used all legal process against the said Adam for this deed, but he refused to submit and passed to the horn; and, besides this, has often pursued the complainer

failing to maintain him there as the said Earl had undertaken.

for his own slaughter. Considering himself very badly used by one who had slain his father, the complainer on last went to the said Adam's dwelling in order to apprehend him and present him to justice, but in resisting apprehension he was unhappily slain. Thereupon the said Earl of Home apprehended the complainer, and bringing him to Edinburgh imprisoned him in the tolbooth, promising to support him there until his trial should take place; but though he has now been in the said ward one month, the complainer has not received any support from the said Earl, and he will not put him to his trial, so that he is like to starve in his place of imprisonment. Charge having been given to the said Earl, who compeared, and the pursuer compearing by James Murrey, younger, of Philiphaugh, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, who has found caution in 500 merks to appear before the Justice and underly his trial for the said slaughter. Decreta, March 1631-April 1632. Fol. 255, b. Fol. 256, a.

Caution by Francis Ogilvie of Newgrange for his son, James Ogilvie.

Act of caution by Francis Ogilvie of Newgrange in 2500 merks that James Ogilvie, his son, will not molest Sir Harry Wod of Bonytoun, nor his household and tenants, etc.; and the Lords discharge all former acts of lawburrows found by either party to the other.

Caution by Sir Harry Wood of Bonyton for his two sons.

Act of caution by Sir Harry Wod of Bonytoun, for Patrick and David Wod, his sons, that they will not molest Francis Ogilvie of Newgrange, nor James Ogilvie, fiar thereof, nor their families and tenants, in 2500 merks for Patrick and 1000 merks for David, with a discharge of former acts, as above.

Postponement of meeting of Parliament.

"Ane missive frome his Majestie for continewing of the Parliament till the xiij of Aprile." Sederunts, November 1629-January 1635. Fol. 63, a.

The Nova Scotia baronets.

"Ane Act allowing the Viscount of Stirline to conveene the baronnettis at suche tyme and place as he sall thinke fitt for consulting anent the plantatioun."

The next meeting of Council.

"The nixt Counsell day the 21 of September at Perth."

M'Lean of Lochbuy.

"The Lordis ordanis McClane of Lochbuy, who wes personalie present, to remane within Edinburgh till by sight of the Lord Carnegie, the Bishop of Ros, and Advocat, or ony tua of thame, he gif satisfactioun to his minister and be dimitted be thame, and incaise of his not satling, to remayne till the nixt Counsall day." Fol. 63, b.

The same.

"The Lordis ordanis Lochbuy to repair to churche and to caus his tennentis to keepe the churche and to do all duetie to thair ministeris, whilk he promeist to performe."

Anent the places to be reserved for the fishing of natives.

"The Lordis ordanis the commissioneris for the Burrowis who wer present to conveene amangs thame selffs and to advyse anent suche placeis as thay crave to be reserved for the fisheing of natives without the whilk the cuntrie cannot subsist, and to be present heirupoun the 20 day of September to the intent thay may reporte upoun the 21." Fol. 64, a.

Lachlan M'Lean and Lochbuy.

"The quhilk day Lauchlane McClane and Lochbuy gaif thair compeirance befoir the Counsell,"

Sederunts, November 1629-January 1635. Fol. 64, a.

"The Lordis ordanis the Bishopis of Dunblane, Ros and Ilis, the Lord Carnegie, the Secretair and Advocat, to conveene the morne at ten of the cloke and to deale and travell betuix Lochbuy and his minister for satling of thair differenceis and to reporte." Lochbuy.

"A commissioun to the Erle of Linlythqw for taking of Skethmure, with power to cary hacquebutis." The taking of Skethmure.

Royal Letters, 1623-33. Fol. 200, b.

"After our very heartilie commendationes. Yow will perceave by this inclosed coppie of his Majesties letter how solist and careful his Majestie is to have this matter of the fishing, quhilk importis this kingdome so neerlie in wealth and credite and wherein so grit paynis hes bene takin this year bygaine, to be brought to some good conclusioun, and how earnestlie his Majestie hes recommendit the same unto us, for whose satisfactioun in this point we have appointed ane meeting of some of the barronis and burrowis to be here at Perth upoun the xxi day of September nixtocome and we have written unto them to keep this dyet. And whereas yow ar one who formerlie wes nominat to be upone this treatie we will requeist and desire yow earnestlie to keep this dyet preceislie and to be there upone the tuentie day of the samyn moneth to the intent yow mey be prepared and readie upone the morne therefter to convene and meet with the rest who ar to be upone that treatie and to concurre and joyne with them by thair best advice and counsell to bring the same to a finall conclusioun. Whilk looking assuredly yow will doe as yow respect his Majesteis pleasuir and contentment, we committ yow to God. Frome Halyrudhous, the tuentie eight day of Julij, 1631. *Sic subscribitur*, Geo: Cancell^r^, Hadington, Winton, Pa. B. of Rose, Napeir, Scottistaruett." Holyrood House, 28th July 1631. Letter of Council anent a meeting of the Commissioners for the Fishing at Perth.

Decreta, March 1631-April 1632. Fol. 256, b.

Sir Harie Wod of Bonytoun and Francis Ogilvie of Newgrange, compearing personally for themselves and taking burden upon them respectively for their sons, submitted "all questiouns, greeffes, eylists and displeasures standing betuix thame, with the ground, caus and occasioun" thereof, to the arbitration of their friends, John, Earl of Kinghorne, Grahame of Fintrie, and Sir John Carnegie of Ethie, or any two of them for the part of the Laird of Bonytoun, and to Alexander, Lord Spynie, Lyoun of Aldbar, and Sir Patrick Ogilvie of Inchmartine, or any two of them, for the part of the said Francis Ogilvie, and in case of variance between them to George, Viscount of Dupline, Lord High Chancellor, and Thomas, Earl of Hadintoun, Lord Privy Seal, as oversmen chosen by both parties. They appoint their first meeting to be at Dundie on 9th August next, and agree to abide by the decision of the said arbitrators and oversmen without appeal. The Lords ordain that this submission shall stand in force until 25th December nixt, but give power to the said oversmen to continue it thereafter for such time as they may think expedient. Holyrood House, 29th July 1631. Anent the dispute between Sir Harry Wood of Bonyton and Francis Ogilvy of Newgrange.

Fol. 257, a.

Holyrood House, 30th July 1631. Supplication for protection by Josias Stewart of Bonnyton.

Supplication by Josias Stewart of Bonytoun, as follows—During the period of the late protection granted to him by their Lordships he has been very careful to satisfy his creditors and has made good progress therein, but the expiring of his protection disables him from bringing the work to a conclusion, and he therefore craves an extension. The Lords grant him till 1st November next.

Decreta, March 1631-April 1632. Fol. 257, a.

Holyrood House, 2nd August 1631.

Sederunt—Privy Seal; Wintoun; Gallouay; Viscount Stirline; Lord Gordoun: Lord Melvill; Lord Carnegie; Naper; Traquair; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir Robert Ker; Sir Robert Douglas; Sir James Baillie.

Acta January 1631-May 1632. Fol. 84, a.

Anent certain goods brought from Wakefield, where the plague is suspected to prevail.

"The Lords of Secreit Counsell remitts to Johne, Lord Stewart of Tracquair, Deputie Thesaurar, with the advice of the provest and bailleis of Edinburgh, to take order for the tryell of the goods and geir brought from Wakefield be Thomas Thomesone in Aberdein in respect of the suspicioun of the plague in these parts and of the proclamatioun direct thairupon."

Anent the exhibition of —— M'Gregor and his wife and others, by George, Lord Gordon, touching their theft of the goods of the Laird of Frendraught.

"The whilk day George, Lord Gordoun, compearand personallie before the Lords of Privie Counsell, tooke the twentie ane day of September nixt for exhibitioun of McGregour and his wife, Gordoun sonne to Ardreugnie and his oyes alive, Crookschank alyve, Ridhead and Johne McEane Duy in Badzenoch, to answere for the away taking of Frendrauchts goods, to whome and to such others as the said lord will undertake to exhibite the Lords grants warrand and protectioun aucht dayes before the day of compeirance and for aucht dayes thereafter."

Two hundred copies of Mr. David Wedderburn's Latin Grammar to be printed that they may be submitted to learned men.

"The Lords of Secreit Counsell, having heard the report of the Burrowes anent the course tane be thame tuicheing Mr David Wedderburne his grammar, whairby they have ordained twa hundreth copies thairof to be printed and the same to be distributed and givin to learned men to make thair observations thairupon, the saids Lords allowes of the course foresaid and accordinglie ordains twa hundreth copies of the said grammar to be printed and to be distributed and givin to learned men to make thair observations thairupon, and to report thair judgement concerning the same to the provest and bailleis of Edinburgh to the intent they may present and offer the saids observatiouns to the saids Lords to be delyvered [*sic*] and considered of be suche as they sall appoint to that effect, and allowes and ordains the provest and bailleis of Edinburgh to cause affixe and sett up a programme to the effect foresaid."

Holyrood House, 2nd August 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 257, b.

Complaint by Hew Douglas,

Complaint by Hew Dowglas, servitor to William, Earl of Angus, as

Decreta, March 1631-April 1632. Fol 257, b.

follows:—On the 22nd July instant, being the fair day in Sanquhar, he was there doing his lawful business in peaceable and quiet manner, when the bailies of Sanquhar caused him to be apprehended and imprisoned in their tolbooth, where he still remains, though he has committed no crime nor offence. Charge having been given to Thomas Greirsoun, provost, and Laurence Davidsoun and Andrew Stewart, bailies of Sanquhar, to compear and produce the complainer, and the said bailies producing him this day, and explaining that they had committed the pursuer to prison for hurting and wounding of John Carmichael and James Dalzell, the Lords, having heard parties, ordain the said bailies to liberate the pursuer, seeing that Sir James Dowglas of Morvington, who

servitor to William, Earl of Angus, against the magistrates of Sanquhar for illegal warding.

Fol. 258, a.

was present, has become surety in 2000 merks that the pursuer will appear for trial on the above charge before the Justice and his deputes on being lawfully cited thereto.

Similar complaint by John McOnell in Woodend, who being also produced by the said bailies of Sanquhar, was declared by them to have been warded for the same cause, and that the two wounded persons are in danger of their lives. The Lords likewise ordain the said bailies to liberate him, seeing Robert Lorimer in Dunduff, William McCall in

Similar complaint by John M'Onell in Woodend.

Fol. 258, b.

Halscar, and James Barber in Thristoun, who were all present, became sureties for his appearing for his trial as above, under the penalty of 1000 merks.

Complaint by Patrick Caddell, indweller in the Cannogait, as follows:—On 1st August instant he was peaceably in the Hie Street of Edinburgh, when Archibald Glen, weaver, pretending he had a caption against him for non-payment of a debt of 100 merks, caused Andrew Simsoun, bailie of Edinburgh, apprehend the complainer, and he is now for this cause warded in the tolbooth of the Cannogait, although on being formerly warded by Glen for this debt in the said tolbooth, and having pursued him for his liberty before the Lords of Session, Glen then declared by his procurators that he passed from all personal execution against the complainer, who was therefore set at liberty, as the decree here produced attests. Charge having been given to the said Archibald Glen, and also to the said Andrew Simsoun, for himself and the remanent

Complaint by Patrick Caddell, indweller in the Canongate, against Archibald Glen for illegal warding.

Fol. 259, a.

magistrates of Edinburgh, and Glen compearing personally and the pursuer, being produced by some of the burgh officers, having shown the decree by the Lords of Session, dated 23rd February, 1622, to the effect abovementioned, viz., that Glen "sought no personall executioun aganis the said Patrik Caddell upon this persuite bot onelie aganis his goods," the Lords ordains the pursuer to be put to liberty.

Fol. 259, b.

Complaint by Harbert Hannay, tennant to John Moffat in Craigin-puttock, as follows:—He has been detained in ward in the tolbooth of Edinburgh for the past eight days on a horning at the instance of Mr. David Blacke, minister at Dunscore, for failing to appear before their Lordships to answer to a charge of "casting doun of the kirk lawer

Complaint by Herbert Hannay, tenant to John Moffat in Craigenputtock, against Mr. David Black,

minister in Dunscore, for illegal warding.

the tyme that the said Mr George was baptizing ane barne," and he pleads that he should now be relaxed as he has given full satisfaction to the Kirk Session of Dunscore and to the said Mr. David, for which he has their certificate and discharge, and he has also found caution in their Lordships' books in 300 merks that he will appear for his trial, and pay 20 merks for his escheat if found liable therein. Pursuer compearing and also the said Mr. David Blacke, who produced the process of horning, the Lords suspend the same, and remit the trial and punishment of the offence libelled to the Lords of the High Commission, before whom the said pursuer enacts himself to appear when cited under the penalty of £100. Decreta, March 1631-April 1632. Fol. 259, b. Fol. 260, a.

Complaint by Bessie Lindsay, wife of David Bowman of Souddans, against the said David for barbarous ill-usage.

Complaint by Bessie Lindsey, wife of David Bowman of Souddons, as follows:—In October, "the said David tooke ane great rung and thairwith having unmercifullie givin her ane nomber of straikes, and she having gripped and held the rung, he drew ane sword and thairwith gave the honest woman ane deidlie strake upon the forebrow to the perrell of her lyfe and great effusioun of her blood whairwith she fell deid and lay sevin houres upon the ground as ane deid persoun and thereafter she lay under the care of chirurgians ane long space; with the quhilk and monie other insolenceis the compleaner having patientlie comported and used the mediatioun of the ministrie to move him to ane dewtifull cariage, nevertheles upon the saxteene day of Julij last he tooke ane rung and thairwith having strickin her to the ground and cruellie birsed and bruised her haill bodie, he tramped upon her with his feit, and when she had happilie gayned ane chamber and locked the same upone her selfe for saulfetie of her lyfe, and he perceaving that he could not gett entrie at the doore, he ranne to the hous abone, rave up the lofting and cõme doun upon her and with his rung most cruellie strake her and never ceassed untill he thought she had beene deid, and she being lying swowning upon the floore he turned him about and barbarouslie and shamefullie pissed in the honest woman's mouth whairby he had suffocat her if his servant had not happilie come up and helped her; quhairupoun she being layed in her bed not being able to stirre the said David come to her upon the twentie sevint of July last at night, harled her out of her naiked bed doun ane high staire and shott her to the yett and forced her to ly in her sarke that night in the yaird of Sowddons and locked the yetts, having first cruellie hurt and woundit his servant." Both parties compearing, and the said David having "grantit and confest the whole points of the complaint libellit," the Lords ordain him to be warded in the tolbooth of Edinburgh, "and to be layed in the yrnes" until he be released. Fol. 260, b

Complaint by Walter Ochiltree, baker in Edinburgh,

Complaint by Walter Uchiltrie, baker outwith the West Port of Edinburgh, as follows:—John Stevinsoun, bailie there, on 20th July last fined him £5, and warded him till he paid the same, and then again

Decreta, March 1631-April 1632. Fol. 260, a.

on the 29th he imprisoned him of new within the tolbooth and detains him there "as ane theefe or tratour but light or companie." Moreover, daily before his incarceration the said John, Patrick Rid (or Rae), deacon of the bakers there, Thomas, John and Alexander Purves, John and Thomas Adamsoun, Thomas Wilsoun, and Daniel Young sought for him in order to slay him, and they forcibly debar him from working at his said calling. These persons being cited, and the pursuer compearing, being produced by the said bailie, and all the defenders, except Thomas Wilsoun and Daniel Young, also compearing, and having been heard, the Lords ordain the pursuer to be put to liberty, and remit the trial of the dispute between parties to Patrick Dowglas, deacon of the "baksters" of Edinburgh, and James Simsoun, deacon of the bakers of the Cannogait, who are to settle the matter as they shall think expedient.

against John Stevenson, bailie, for illegal warding.

Fol. 261, a.

Supplication by the provost and bailies of Jedburgh, as follows:—Some years ago Robert Ker of Fermingtoun was committed to ward within their tolbooth for a debt of 400 merks, but shortly afterwards made his escape, whereupon his creditors sued them before the Lords of Session, and compelled them to pay this sum. The said Robert is now once more imprisoned in their tolbooth for a debt of over 8000 merks, and as they are informed he means to make another effort to escape, in which, if he succeed, he will undo their town by their being compelled to pay this other debt, they are forced to maintain a watch both day and night. They therefore crave permission to bring him into Edinburgh, and deliver him prisoner to the keeper of the tolbooth there, with a note of the arrestments made upon him in their ward of Jedburgh, that he may remain there upon his own expenses until released. The Lords grant the prayer of the petition, and command the provost and bailies of Edinburgh and the keeper of the said tolbooth to receive the said Robert from the supplicants or those who may have the charge of his convoy within three hours after he is presented to them, as they will answer at their peril.

Supplication by the magistrates of Jedburgh that Robert Ker of Fermington, a prisoner in their tolbooth, may be warded in the Tolbooth of Edinburgh.

Fol. 261, b.

Supplication by Alexander Crawfurd, Andrew Sinclare, and John Ker, indwellers in Edinburgh, creditors of John Lands, merchant burgess of Edinburgh, as follows:—The said John Lands is indebted to them in several sums of money, and he is both able and willing to satisfy their claims, and those of others, if their Lordships will grant him their protection for the security of his person till he dispose of his lands in Edinburgh and Leith, and in the barony of Brouchtoun for this effect. They therefore crave their Lordships' favour to him in this respect, because some of his creditors, whose interest is not very great, refuse to consent to the proposed arrangement. The Lords grant him till 23rd September next.

Supplication by Alexander Crawford and others that John Lands, merchant-burgess of Edinburgh, may receive protection in order that he may satisfy his creditors, among whom are the supplicants.

Fol. 262, a.

Supplication by Robert Livingstoun, merchant burgess of Edinburgh, as follows:—He has lent his whole means, over 12,000 merks, to Sir David Livingstoun of Donypace, and he is otherwise engaged as cautioner for him, in consequence of which he is so placed that he dare

Supplication for protection by Robert Livingstone, merchant-burgess of Edinburgh.

not remain in Edinburgh to attend his calling. Sir David is now engaged in selling his lands, upon which the petitioner has some comprisings, and he craves their Lordships' protection for some certain space. This the Lords grant to him till 23rd September next. Decreta, March 1631-April 1632. Fol. 262, a.

Similar supplication by Margaret Corsbie, indweller in Edinburgh.

Supplication by Margaret Corsebie, indweller in Edinburgh, widow of Ramsay, burgess there, as follows:—Out of her affection to Katherine Ramsay, her daughter, and James Chaplane, her son-in-law, she became cautioner to for 200 merks, and regularly paid the interest of this sum for years, being unable to repay the principal. The debt has now been assigned to one James Wilsoun in Glasgow, and he has raised horning and caption against her thereupon, threatening to imprison her "and so to bring her gray haires to the grave with sorrow." She craves their Lordships' protection, and this they grant until 23rd September next, provided she pays the interest of the said sum at the ordinary times to the said James. Fol. 262, b.

Continuance of protection to John Stewart of Coldingham.

"The protectioun grantit to Johne Stewart of Coldinghame for fitting of his compts with Robert Douglas, continued to the 23 of September nixt."

Protection to John Trail of Blebo.

"The protectioun grantit to Johne Trail of Blebo for fitting his compts with his uncle continued to the said day."

Supplication by David Vaus, sometime of Blance.

Supplication by David Vaus, sometime of Blance, as follows:—Their Lordships are aware of the trouble and misery he has sustained in connection with his actions before the Lords of Session against the deceased Mr. George Butler, who having meddled with his whole estate, exposed him to the rigour of his creditors, and he was imprisoned by them until he had assigned to them all benefit that might accrue to him from these actions. These are now under submission, and when they are fully settled his creditors will obtain satisfaction; but some of them "cannot in patience await the conclusioun of the submissioun." He is therefore obliged to have recourse to their Lordships and to crave their protection; and this the Lords grant to him till 23rd September next. Fol. 263, a.

Protection to John Ahanna of Sorbie continued.

"The protectioun grantit to Johne Ahanna of Sorbie and his sonne for dealing with thair creditours continued to the twelffe of August instant."

Renewal of protection to Andrew Anderson, hatmaker, Edinburgh.

Supplication by Andrew Andersoun, hatmaker, burgess of Edinburgh, as follows:—Their Lordships lately granted their protection to him for going about the country and gathering his debts in order to pay his creditors, but the time, which was short, has expired, and he "hes gottin no outgait of his bussines." He therefore craves a renewal of his protection; which the Lords grant until 23rd September next, he always paying his annualrents. Fol. 263, b.

Holyrood House, 2nd August 1631. The Commission for the Teinds.

"Chargeis aganis the burgesses who ar upoun the Commissioun for the Teyndis." Sederunts. November 1629-January 1635. Fol. 63, b.

Royal Letters, 1623-33. Fol. 201, a.

Fernham, 2nd August 1631. Letter of his Majesty anent the obligation of Sir James Sinclair of Murkle to William Dick, merchant.

"CHARLES R., Right trustie, etc. We ar informed that at Sir James Sinclar, knycht and colonell, his first undertaking of imployment for the lait service of our uncle, the King of Denmarke, and some of his freinds did enter in band to Williame Dick for leveying of moneyes for that purpose, having besides ingadged unto him diverse evidents for the same, and understanding by your letter unto us that the said Colonell had both used his best endeavoures in that service and hath therein trewlie bestowed the whole moneyes receaved by him, we thinke it unreasonable (seing as we ar informed these moneyes ar otherwayes allowed unto the said Williame) that the said Colonell and his freinds sould now suffer therein; therefore our pleasure is that yow call William Dick before yow and (if yow doe not find a sufficient reasoun to the contrair) that yow caus him discharge the said Colonell and his sureteis of all moneyes for whiche they stand bound for that imployment, and to delyver backe to him what pawnes wer delyvered unto him tuicheing that purpose; for whiche these presents sall be unto yow a sufficient warrand. From our Court at Fernham, 2 *Augusti*, 1631."

Acta January 1631-May 1632. Fol. 84, b.

Edinburgh, 4th August 1631.

Sederunt—Hadintoun; Stirline; Tracquair; Bishop of the Isles; Secretary; Sir Thomas Hope; Clerk Register; Justice Clerk; Sir Robert Ker.

Proclamation postponing the meeting of Parliament till April 13, 1632.

"Forsameekle as the Kings Majestie hes writtin his princelie directiouns unto the commissioners of his Parliament to prorogat and continue the same unto the threttene day of Apryle nixtocome, whairby his Majestie may have some more tyme and leasure to be heere in persoun at his said Parliament to receave his crowne for the peace and securitie of this his native and ancient kingdome, thairfoir the Lords of Secreit Counsell, according to his Majesteis expresse command and directioun sent unto thame, ordains letters to be direct charging heraulds, pursevants and messingers of armes to pas to the mercat croce of Edinburgh and others places neidfull, and there be opin proclamatioun to make intimatioun to all his Majesteis lieges and subjects that the said Parliament is prorogat and continewed to the said threttene day of Apryle nixtocome, and to warne all prelats, noblemen, commissioners for the barons and burrowes, and all others having place, vote or owing attendance in the said supreme court of Parliament to attend and await upon the same the day foresaid with continuatioun of dayes, and to doe and performe all and sindrie suche things as to thair places and offices apperteanes, with intimatioun as effeirs. Followes his Majesteis missive for warrand of the act abone-writtin:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellers, we greit yow weill. Whereas we have writtin our princelie directioun unto our commissioners of Parliament to prorogat and con-

tinew the same unto the threttene of Apryle whairby we may have some more tyme and leasure to be there in persoun at the said Parliament and to receave our crowne for the peace and securitie of that our native and ancient kingdome, our pleasure therefore is and we doe heirby authorize, will and require yow that after the said Parliament be prorogated and continued yow caus intimat the said prorogatioun and continuatioun to all our good lieges within our said kingdome by opin proclamatioun at the mercat croce of Edinburgh and others places neidfull, and warne all prelats, noblemen, commissioners for barons and burrowes, and all others having place, vote or owing attendance in the said supreme court of Parliament to attend and await upon the same the foresaid day with continuatioun of dayes, and to performe all and sindrie suche others things as to thair places and offices doeth apperteane. And for doing of the premises these our letters sall be your sufficient warrand and discharge in that behalfe. So we bid yow fareweill. From our mannour at Greenewiche the elleventh day of Julij, 1631." Acta January 1631-May 1632. Fol. 84, b. Fol. 85, a.

Oatlands, 8th August 1631. Letter from his Majesty desiring protection for Sir George Home of Manderston and his son that they may pursue certain persons whom they accuse of deviliah practices.

"CHARLES R., Right trustie, etc. Whereas we have beene pleased to grant unto our trustie and weilbelovit servant, Sir Alexander Home, knight, the favour of our royall protectioun that he may freelie repaire unto Scotland for settling his effaires, whiche he cannot convenientlie doe without the concurrence of his father, Sir George Home of Manderstoun, in whois behalfe we have lykewise signified our pleasure unto yow that he might have libertie to come in publict for prosecutioun of the tryells of certane persouns delated as guiltie of divelish practises aganis his lyfe and estait, whiche (as we ar informed) ar not yitt brought to a finall period, therefore als weill for our said servants better furtherance in the settling of his affaires as also that the said Sir George may be able to bring the saids tryells to a full conclusioun, we ar heirby pleased to recommend him to yow that he may have suche further libertie to come in publict as yow sall thinke requisite for the one and the other. And so we bid you farewell. Frome our Court at Oatlands the eight day of August, 1631." Royal Letters, 1623-33. Fol. 201, a.

Holyrood House, 26th August 1631. Patent of the Earldom of Strathern granted to William, Earl of Monteith.

Sederunt—Monteith; Privy Seal; Murrey; Wintoun; Linlithgow; Stirline; Bishop of Ros; Bishop of the Yles; Lord Lorne; Lord Melvill; Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir James Baillie. Acta January 1631-May 1632. Fol. 85, a.

"The whilk day, Thomas, Erle of Hadintoun, Lord Privie Seale, exhibite and produced before the Lords of Privie Counsell ane patent under his Majesteis great seale bearing dait at Oatlands, the last day of July last bypast, by the quhilk patent his Majestie wes pleased in remembrance of the manie great services done to his Majestie be his right traist cousine and counseller, Williame, Erle of Monteith, Lord Kilpont,

Acta January 1631-May 1632. Fol. 85, a.

to ratifie and approve the title, honour, precedence, dignitie and place of Erle of Stratherne in the persoun of the said Erle of Monteith and his airis male specified in the said patent as airis of lyne to umquhill David, Erle of Stratherne, sone to umquhill Robert the Secund, King of Scotland of happie memorie, ordaining the said Erle and his airis male foresaid to be callit in all tyme comming Earles of Stratherne and Monteith, and to bruike and injoy the honnour, title, dignitie and precedence of Earle of Stratherne and Monteith in all publict meitings of Counsellis, Conventions, and Parliaments and others meitings whatsomever, with the same priviledges, liberteis, digniteis and precedence whilks wer dew to the said umquhill David, Erle of Stratherne, and his airis by vertew of the charters grantit to thame of the erledome of Stratherne by the said umquhile King Robert the Second of good memorie, and with precedence and priority before all others persouns whatsomever creat erles since the dait of the saids chartours, of the quhilks chartours the

Fol. 85, b.

one beiris dait at Edinburgh the nynetene day of Junij and the first yeere of the said Kings raigne, and the other chartour beiris dait at Perth the third day of Julij and first yeere of the said Kings raigne, as the said patent more fullie proports. Quhilk patent being read, heard and consideritt be the saids Lords, and they acknowledging with all dewtifull respect his Majesteis gratious favour and princelie remembrance of the said Williame, Erle of Stratherne and Monteith, his faithfull service, they ordaine him and his airis foresaids in all tyme heerafter to have the ranke, place, vote and precedence in all Parliaments, generall counsellis, privat and publict meitings according to the dait of the twa chartours abonewrittin grantit to the said umquhill David, Erle of Stratherne, of the erledome of Stratherne. Lykeas the said Erle of Hadintoun delyvered the said patent to the said Williame, Erle of Stratherne and Monteith, who wes personallie present, and who with most submissive reverence upon his knees receaved the said patent as ane pledge and tokin of his Majesteis exceeding great favour, and promeist to the uttermost of his endeavoures to approve himselfe worthie of the favours and honnours whairunto his Majestie hes beene gratiouslie pleased to preferre and advance him."[1]

Commission to the Earl of Linlithgow for the arrest of Alexander Mure of Skaithmure, who is accused of foul crimes and of defying the Council.

"Forsameekle as Alexander Mure of Skaithmure, who thir manie yeeres bygane hes lived most profanelie and scandalouslie within this kingdome by committing double or triple incests besides other filthie and detestable crymes most offensive to God and not worthie to be heard of in a countrie subject to law and justice, being latelie conveenned before his Majesteis Counsell upon some points of oppressioun alledgit committed be him and after that he wes heard and removed till his Majesteis Counsell had resolved what to decerne thairin, he out of the guilt of his awne conscience, fearing the discoverie of his foule and detestable incests, fled frome the Counselhous doore and eshewed; and

[1] By a decision of the Court of Session (May 22, 1633) the above patent was set aside,

since his returne home he hes daylie borne and weares hacquebutts and pistolets threatening all these whome he suspects to have givin informa- Acta January 1631-May 1632. Fol. 85, b.
tioun aganis him, and shoaring and avowing that if anie sall preasse to take and apprehend him that he sall discharge his hacquebutts and pistolets in thair belleis; and he careis himselffe in suche ane swaggering and lawlesse maner as if he wer not subject to King, law nor justice, to the high and proud contempt and disgrace of his Majesteis auctoritie. Thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun, expresse Fol. 86, a.
bidding and charge to Alexander, Erle of Linlithgow, to convocat his Majesteis lieges in armes and to pas, searche, seeke and take the said Alexander Mure where ever he may be apprehendit, and to bring, present and exhibite him before his Majesteis Counsell to the intent order and directioun may be givin for his tryell and punishement as accords; with power to the said Erle and suche as sall accompanie him for this effect to beare and weare hacquebutts and pistolets in the executioun of this commissioun allanerlie, and that they use not the saids hacquebutts nor pistolets bot in the persute of the said Alexander, he refuising to be takin. And if it sall happin the said Alexander for eshewing of apprehensioun to flee to strenths and houses, with power to the said Erle to follow and persew him, to make opin doores and to use his Majesteis keyes, to assedge the saids strenths and houses, raise fire and use all kynde of force and warrelyke ingyne that can be had for recoverie thairof and apprehending the said Alexander being thairin. And if in persute of the said Alexander, he refuising to be tane or assedging of the saids strenths and houses, there sall happin slaughter, mutilatioun or anie inconvenient whatsomever to follow, the saids Lords declares that the same sall not be impute to the said Erle as cryme nor offence nor the persons assisting him in the executioun of this commissioun, and that they nor nane of thame sall be callit nor accused thairfoir criminallie nor civillie be any maner of way in tyme comming; exonering thame of all pane, cryme and danger that they may incurre thairthrow for ever."

Warrant to Alexander, Master of Forbes, to levy 2000 men for service under the King of Sweden.

"The Lords of Secreit Counsell, according to ane warrant in writt signed be the King's Majestie and this day presented to the saids Lords, hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to Alexander, Maister of Forbes, to levey and take up twa thowsand men within this kingdome out of all suche persons within the same as he sall find readie to goe with him, and to transport the same over sea for assisting his Majesteis darrest brother, the King of Sweden, he alwayes giving satisfactioun to everie ane of the said nomber as sall be agreed upon betuix him and thame according to the custome in the lyke caises; with power to the said Maister of Forbes, for the better conduct and governement of the saids twa thowsand men to distribute and divide thame in competent nombers and companeis

Acts January 1631-May 1632. Fol. 86, a. Fol. 86, b. under thair severall officiars and commanders, and to nominat and appoint officiars and commanders over thame, and to caus towke drummes, displey cullours and to doe and performe all and everie thing that towards the uplifting, transport and conduct of the said nomber is requisite and necessar, with als ample power, libertie, auctoritie and jurisdictioun as anie others colonellis, officiars and commanders formerlie hes had within this kingdome. Firme and stable halding and for to hald all and whatsomever things the said Maister of Forbes sall lawfullie doe heerin; commanding heirby all judges, officiars, and magistrats to burgh and land that they and everie ane of thame within thair severall bounds and jurisdictiouns assist the said Maister, his officiars and commanders in all and everie thing tending to the executioun of this commissioun, and to doe nor attempt nothing to hinder nor frustrat the same. And if anie person or persons who sall receave pay and inroll thameselffes under the charge of the said Maister of Forbes his officiars and commanders, and thereafter sall abandoun and leave thair service, that than the saids judges, officiars and magistrats upon complaint to be made and verified be thame, doe justice thairin accordinglie. Follows his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit [*sic*], we greit yow weill. Having intentioun upon verie good considerations to aide our brother, the King of Sweden, in the warres whairin he is at this tyme ingadged with suche forces as we can convenientlie spare frome all our kingdomes, in regarde of the readinesse and constant affectioun of our right trustie and weilbelovit, the Maister of Forbes, to our service in that kynde, our pleasure is that yow grant unto the said Maister of Forbes, or anie others whome he sall appoint, ane commissioun with ane sufficient warrand to levey and transport two thowsand of our subjects of that our kingdome for the purpose aforesaid, granting him libertie to towcke drummes for that purpose, with als large priviledges as anie other had heeretofore in the lyke kynde, he alwayes giving suche satisfactioun to everie one of the said nomber as sall be agreed upon betuix him and thame according to the former custome in the lyke caises. Our further pleasure is that yow give him your best assistance that he may be provided with shippes for thair transportatioun at suche reasonable rates and upon the like conditiouns as hes beene formerlie givin to others. Whiche seriouslie recommending to your care and whairin not doubting bot that yow will use your best endeavoures, we bid yow fareweill. Frome our Court at Oatlands the 22 day of Julij, 1631."

Fol. 87, a. A similar commission granted to Sir Frederick Hamiltoun to enlist twelve hundred men for the service of the King of Sweden. "Follows his Majesteis letter for warrand of the act abonewrittin:—CHARLES R. Warrant to Sir Frederick Hamilton, knight, to levy

1200 men for the same service.

Right trustie and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellours, right trustie and right weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. In regarde of our resolutioun for leveying and transporting some forces from that our kingdome for the better suppleing of our brother, the King of Sweden, in the warres whairin he at this tyme is ingadged, and of the readinesse and constant affectioun of our trustie and weilbelovit servant, Sir Frederick Hamiltoun, knight, to our service in that kynd, considering als weill the actioun itselfe, so full of honour, as the person and familie of the undertaker, whiche we have in speciall recommendatioun, our pleasure is that yow grant unto the said Sir Frederick Hamiltoun, or to anie other whom he sall appoint, a commissioun with ane sufficient warrand to levey and transport twelfe hundreth of our subjects of that our kingdome for the purpose abonesaid with als large priviledges as anie generall, colonell or commander hath had heeretofore in the lyke kynde, he alwayes giving suche satisfaction to everie one of that nomber as sall be agreed upon betweene him and them; and to that effect that yow authorize him to cause beate drummes. Our further pleasure is that yow give suche speedie order for causing provide shippes for thair transportatioun at suche reasonable rates as yow or commissioners frome yow to this effect can best agree upon and upon the like conditiouns as hes beene formerlie givin to others; whiche seriouslie recommending to your care and whairin not doubting bot that yow will use your best and readiest endeavoures, we bid yow farewell. From our mannour at Greenewiche, the last day of June 1631." Acta January 1631-May 1632. Fol. 87, a. Fol. 87, b.

Appointment of a Committee of the Privy Council for inquiry into the burning of Frendraught.

"Forsameekle as the Kingis Majestie be his letter directed to the Lords of his Privie Counsell and this day presented unto thame and read in their audience hes recommendit to the saids Lords to insist by all lawfull wayes and possible meanes for a speedie and sure trying of the burning of the hous of Fendraucht, willing the saids Lords to select ane committee out of thair awne nomber who may proceed in the said tryell with all convenient and possible diligence till it be brought to ane full conclusioun, thairfoir the saids Lords, according to the directioun of his Majesteis said letter, hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to George, Vicount of Dupline, Lord High Chanceller of this kingdome; William, Erle of Mortoun, Lord High Thesaurar of the said kingdome; William, Erle of Stratherne, President of the Privie Counsell; Thomas, Erle of Hadintoun, Lord Privie Seale; George, Earl of Wintoun; Alexander, Erle of Linlithgow; John, Erle of Wigtoun; John, Erle of Lauderdaill; Williame, Viscount of Stirline; Patrik, Bishop of Rosse; Adame, Bishop of Dumblane; Robert, Lord Melvill; David, Lord Carnegie; John, Lord Tracquair; Sir Archibald Achesoun, Secretar; Sir Johne Hamiltoun, Clerk of Register; Sir Thomas Hope, his Majesteis Advocat; Sir George Elphinstoun, Justice Clerk; and Sir James Baillie, or anie sevin of Fol. 88, a.

Acta January 1631-May 1632. Fol. 88, a.

thame, the Lords Chanceller, Thesaurar, President, Privie Seale, Wintoun or Linlithgow being one of the sevin, without excluding anie others of the Counsell who lykes to be present, to conveene and meit at suche tymes and places as they sall thinke fitt and to take tryell of suche witnesses and evidenceis as sall be givin in for cleering the truthe of the bussines, and to report to the saids Lords what they find thairin, that accordinglie directioun may be givin for the tortour as the nature of the caus sall require. And the saids Lords appoints the first meiting of the saids commissioners to be at Perth the nixt Counsell day the twentie ane day of September nixt. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weil. We understand that according to our pleasure signified unto yow for trying of the maner of the burning of Fendreths towre yow have omitted nothing that convenientlie could be done for trying thairof, for whiche we give you heartie thankes; yitt the presumptiouns (as we ar informed) being great that it wes done out of a malicious intent have made us to thinke that a continued tryell to be takin thairin may happilie produce some good effect for cleering of the truthe. Thairfoir our pleasure is that yow insist by all lawfull and possible meanes for a speedie and sure trying thereof; and if yow think it fitt we ar willing that yow select a committee out of your owne nomber who more convenientlie without interpositioun of other effaires (whiche the bodie of our Counsell can hardlie avoide) may proceed in the said tryell with all convenient and possible diligence till it be brought to ane full conclusioun; whiche seriouslie recommending to your care, we bid yow farewell. Frome our court at Oatlands the last day of Julij 1631."

Fol. 88, b.

Letter from his Majesty anent Alaster Grant and the apprehension of similar rebels.

"The whilk day the missive letter underwritten, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R., Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers and right trustie and weilbelovit counsellers, we greit yow weill. We have heard how yow have made the Laird of Grant to produce one Alaster Grant, a rebell, to be subject to the tryell of our lawes, wherein as we doe approve of the maner of your proceeding so we doe of your care and diligence in the speedie executioun, for the whiche we give yow heartie thankes, and ar willing (if yow sall find it conveinent) that yow insist not onelie to take the lyke course with the said Laird of Grant bot lykewayes with our right trustie and weilbelovit cousine and counseller, the Marqueis of Huntlie, for produceing all suche rebellis who as yitt stand out and whome by the generall band they ar bound to exhibit, and all suche noblemen and others who be vertew thairof ar subject in the lyke kynde, when the lyke occasioun sall happin to occurre, whiche

we will take as most acceptable service done unto us; whiche speciallie recommending to your care we bid yow farewell. Frome our Court at Oatlands the last day of Julij, 1631. Quhilk letter being heard and considderit be the saids Lords they acquiesce to his Majesteis royall pleasure and directioun in that mater." Acta January 1631-May 1632. Fol. 88, b.

Commission to Lord Lorne for taking the oath of William Semple of Foulwood as Sheriff of Dumbarton.

"Forsameekle as it hes pleased the Kings Majestie to make choise of Williame Sempill of Foulwod to be shireff of the shirefdome of Dumbartane for the next ensewing yeere, and in regarde the said Laird of Foulwod upon some interveening occasiouns is disabled to give his appearance before the Lords of his Majesteis Privy Counsell to accept the said office upon him, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grants, power and commissioun to Archibald, Lord of Lorne, to take the said Laird of Foulwod his oath for the faithfull discharge of his office and to make ane record thereof in writt, and to report the same to the saids Lords to the effect it may be registrat in the bookes of Privie Counsell, for doing whairof the extract of this act sall be unto the said Lord of Lorne ane sufficient warrand.'

Commission to the Earl of Haddington to receive the oath of Patrick Douglas of Kilspindie as Sheriff of Haddington.

"Forsameekle as it hes pleased the Kings Majestie to make choise of Patrik Douglas of Kilspindie to be shireff principall of the shirefdome of Hadintoun for this nixt ensewing yeere, and in regarde the said Laird of Kilspindie, upon some interveening occasions, is disabled to give his appearance before the Lords of his Majesteis Privie Counsell at Perth to accept the said office upon him, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grants, power and commission to Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, to take the said Laird of Kilspindie his oath for the faithfull discharge of his office and to make a record thairof in writt, and to report the same to the saids Lords to the effect it may be registrat in the bookes of Privie Counsell; for doing whairof the extract of this act sall be unto the said Erle of Hadintoun ane sufficient warrand." Fol. 89, a.

Anent the Lord of Lorne and the Justiciary of the Isles.

"The whilk day the Lords of Secreit Counsell upon considerable reasouns importing the good of his Majesteis service hes thought meit and expedient, concluded and ordained, that no commissioun sall be grantit to or in favours of anie of the Ylanders till the Lord of Lorne, his Majesteis Justiciarie within the Isles, be first heard and his opinioun craved thereanent."

Letters to be directed to the Provost of Edinburgh and others to appear before the Council anent the forthcoming meeting of the Commission for the Surrenders and Teinds.

"Forsameekle as the Commissioun for the Surrenders and Teinds hes receaved sindrie interruptions and hinders by the frequent absence of some of the commissioners, speciallie of these for the Burrowes who wer entrusted with that mater, and to the intent that at the nixt sessioun and sitting of the commissioun there may be assurance had of a full nomber of the commissioners for the Burrowes to attend that bussines, thairfore ordains letters to be direct charging the commissioners underwrittin, they ar to say, the provest of Edinburgh for the tyme; M^{r} Johne Hay; the provest of S^{t} Andrewes or Commissar Clerk there; Duncane

Acta January 1631-May 1632. Fol. 89, a. Patersone, burges of Stirline; Gabriel Cuninghame, burges of Glasgow; the provest of Dundie; Johne Cowane, burges of Stirline; Duncane Forbes, burges of Innernes; Robert Alexander, burges of Anstruther; Alexander Clerk and Johne M^cNacht, burges of Edinburgh; M^r James Cockeburne, burges of Hadintoun; Andrew Bell, burges of Linlithgow, Fol. 89, b. and M^r Robert Cuninghame, burges of Kingorne, to compeir personallie before the Lords of Privie Counsell upon the first day of November nixtocome to the intent some solide and constant course and order may be sett doun that a full nomber of thame be assured to attend the said commissioun under the pane of rebellioun, etc., with certificatioun, etc."

Order for the coining of copper tokens of the value of three pennies Scots.

"Forsameekle as the King's Majestie having beene gratiouslie pleased by his letter direct to the Lords of his Privie Counsell and to his Thesaurar and Deputie Thesaurar to signifie his royall will and pleasure that for releefe of the poore and for the better intercourse and exchange of small soumes amongs his Majesteis subjects, and als to the effect that there be ane correspondence with England in the copper coyne as is alreadie in gold and silver, there sould be ane certane quantitie of copper coynned in farthing tokins, to have course within this kingdome at the weight and pryces they ar current in England; and the saids Lords having takin this purpose and the grounds and reasouns thairof to thair grave and serious considerations and being weill advised and fullie satisfied anent the exigencie and expediencie of the same, thairfor his Majestie, with advice of the saids Lords of his Privie Counsell, hes thought requisite and meit, concluded and ordained that there sall be ane certane quantitie of copper, unmixed with anie other metall, wrought and forged in ane mill and coynned in farthing tokins, and that everie farthing tokin sall weigh eight Scotish graynes, of whiche farthing tokins there sall be threescore twelffe in the unce weight and five hundreth threescore saxteene in the marke weight, with twentie twa of the said farthings for remeid of weight als weill heavie as light upon the said marke weight thairof, the said farthing tokins having on the one side twa CC thus interlaced ℭℭ and crowned with the circumscriptioun CAR. D. G. MAG. BRIT. FR. et HIB. R., and on the other side ane thrissell with the usuall motto *Nemo me impune lacessit;* and that the saids farthing tokins have course among his Majesteis subjects at three penneis Scotish the peece; with this speciall provisioun and conditioun that nane of his Majesteis subjects sall be astricted to receave of the saids farthing tokens abone the value of sax penneis Scotish in ane pund in payment Fol. 90, a. of debts or other blockes, wairis and merchandice; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croce of Edinburgh and others places neidfull whairthrow nane pretend ignorance of the same, and to command and charge all his Majesteis subjects to receave the saids farthing tokins in payment of debts, blockes, wairis and merchandice at the pryce and in maner abone-writtin and in nowayes to refuise the same under whatsomever cullour and pretext under the pane of treasoun."

Order for the coining of 1500 stones of copper into the above-mentioned copper tokens, the work to be done by the 1st of January 1633.

Acta January 1631-May 1632. Fol. 90, a.

"Forsameekle as the Kings Majestie having beene gratiouslie pleased by his letters direct to the Lords of his Privie Counsell and to his Theasurar and Deputie Thesaurar to signifie his royall will and pleasure that for releefe of the poore and for the better intercourse and change of smalls amongs his Majesteis subjects, and to the effect there may be a correspondence with England in the copper coyne as is alreadie in the gold and silver, that there sould be a certane quantitie of copper coynned in farthing tokins to have course within this kingdome at the weight and pryce as they ar current in England; and the saids Lords having takin this purpose and the grounds and reasouns thairof to thair grave and serious consideratioun and being weill advised and fullie satisfied anent the exigence and expedience of the same, thairfor his Majestie, with advice of the said Lords of his Privie Counsell, hes thought meit, concluded and ordained that there sall be fyftene hundreth stone weight of copper, unmixed with anie other mettall, wrought, forged and printed in ane mylne and coynned in farthing tokins in maner and after the forme conteanit in his Majesteis warrant direct thereanent, and that everie farthing tokin sall weigh eight Scotish graynes, of whiche farthing tokins there sall be threescore twelffe in the unce weight and fyve hundreth threescore saxteene in the marke weight, with twentie twa of the saids farthings for remeid of weight, als weill heavie as light, upon the said merke weight thairof, the saids farthings having on the one side twa CC thus interlaced CC and crownned with this circumscriptioun, CAR. D. GR. MAG. BRIT. FR. et HIB. R., and on the other side ane thristle with the usuall motto *Neme me impune lacessit;* and that the saids farthing tokins sall have course among his Majesteis subjects at three penneis Scotish the peece: Commanding heirby the Maister of his Majesteis Cunziehous and all others whom it doeth or may concerne presentlie to prepare thameselffes, and to proceid with all convenient diligence to the melting, forging, milling and coyning of the saids farthing tokins, and to continue carefullie thairin, sua that the whole quantitie of fyftene hundreth stane weight foresaid may be wrought and coynned before the first day of Januarie in the yeere 1633; commanding alsua the Wardane, Counterwardane and Sinker, everie ane of thame in thair severall charges, to attend this service and to doe and performe what to the dewtie of thair offices apperteanes, as they will answer upon the contrarie at thair highest charge and perrell. Followes the twa missives for warrand of the acts abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellors, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellors, we greit yow weill. Whereas we have givin order to our Theasurar and Theasurar Depute for causing coyne some farthing tokins, suche in weight and quantitie as ar current in this our kingdome, which we will to carrie our inscriptioun with this marke crownned CC upon the one side, and a thrissell with the usuall

Fol. 90, b.

Acta January 1631-May 1632. Fol. 90, b.

motto upon the other, it is our pleasure that yow give order by proclamatioun as is usuall in lyke caises for receaving of thame and for calling in of the copper money callit Turnours, they alwayes who bring thame in receaving frome the Maister of our Mynt the value of suche quantitie as they delyver payed backe in the said new coyne, that they may be no losers thereby; and that yow contribute anie other helpe or give anie warrand requisite frome yow for furthering thairof. We bid yow fareweill. Frome our Court at Greenwiche the fourth of July, 1631."

"CHARLES R. Right trustie and right weilbelovit cousine and counsellour and right trustie and weilbelovit counsellour, we greit yow weill. Whereas there hes beene a propositioun made unto us for coyning a quantitie of farthing tokins within that our kingdome suche as ar current heere, and considering in regarde of the skarsetie of money for the present there that some suche kynde of coyne wer the more necessarie at the tyme for the use of the meanner sort and for the smaller soumes; yitt becaus we desire to proceed heerin als circumspectlie as can be, both for the good of our owne subjects and that suche a correspondence may be keeped heerin with our other kingdomes as in suche a caise is requisite, our pleasure is that having conferred with thame who have the charge of our Mynt as lykewayes with the propounders of this course that yow make the fairest and best bargane yow can for our advantage, and that yow sequester the moneyes arising thereby to be bestowed as yow sall have a particular warrand frome us for that effect. And so we bid yow farewell. Frome our Court at Greenewiche the fourth day of July, 1631."

Fol. 91, a.

Protest by the General and Master of the Mint to the effect that the employment of any stranger in the manufacture of the farthing tokens be not prejudicial to the protestors.

"The whilk day the Generall and Maister of the Cunziehous, compeirand personallie before the Lords of Privie Counsell, protested that the imployment of anie stranger in working of the farthings sall not be prejudiciall to thame in thair liberteis and fees dew to thair place and office, and declared that this protestatioun wes onelie made be thame for preservatioun of thair priviledges and fees and that they intendit nowayes to hinder the present course prescryved be his Majestie anent the coyning of the farthings, to whois royall will and pleasure they humbelie submitted themselffes and acquiesced thairwith. Quhilk protestatioun being heard and considderit be the Lords they admitted the same."

The Deputy-Treasurer and the coining of the farthing tokens.

"The Lords of Secreit Counsell remitts to Johne, Lord Tracquair, Deputie Thesaurar, to agree with the Maister of the Cunziehous anent the working of the farthings and all things concerning the same, conforme to his Majesteis letter direct to him for that effect."

Committee appointed to superintend the coining of the farthing tokens.

"The Lords of Secreit Counsell gives and grants warrand and commissioun to Williame, Erle of Morton, Lord High Thesaurar of this kingdome; Williame, Vicount of Stirline; Patrik, Bishop of Rosse; Johne, Lord Tracquair, Deputie Thesaurar; Sir Archibald Achesone, Secretar; Sir Johne Hamiltoun, Clerk of Register; Sir Thomas Hope, His Majesteis Advocat; Sir George Elphinstoun, Justice Clerk; and Sir James Baillie

of Lochend, or anie three of thame with the Thesaurar or Deputie Thesaurar, to conveene and meit at such tymes as they sall appoint, and to considder and determine in all things concerning the farthing tokins and the preparing of fitt rowmes for working of the same; and for that effect to call before thame the officiars of the Mynt hous, and to consult and agree with thame as sall be most fitt for his Majesteis profite and the good of the bussines; with power to thame to direct proclamatiouns thereupon according to the warrand and directioun of his Majesteis letter." Acta January 1631-May 1632. Fol. 91, b.

Holyrood House, 26th August 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 263, b.

Supplication by David Bowman, prisoner in the Tolbooth of Edinburgh for ill-usage of his wife, that he may be released from his ward—he offering to make any satisfaction to his wife that the Council may decree.

Supplication by David Bowman of Southhous, as follows:—Last Council day their Lordships were pleased to commit him to ward within the tolbooth of Edinburgh, and lay him in irons there, on the complaint of Bessie Lindsay, his spouse. He acknowledges the wrong done by him to her, and the just and equitable procedure of their Lordships thereupon, and as he is heartily sorry for his miscarriage, so "in token of his trew resupiscence" he is willing to underly any course their Lordships may prescribe for his wife's satisfaction and to enact himself for her safety and to perform to her all honest and christian duties, or otherwise he is content that she live separate from him for a time "untill it please God to joyne thair hearts and affectiouns togidder in a more Christiane harmonie," in which case he will provide to her such aliment as their Lordships upon consideration of his means may appoint. Charge having been given to the said Bessie Lyndsey, and also to Andrew Simsoun, one of the bailies of Edinburgh, in name of the provest and remanent bailies, to produce the petitioner, and he and his wife compearing, he enacted himself in 1000 merks for his wife's safety until Candlemas next, and that he would appear before their Lordships upon the first Council day of November next when, in the event of their non-agreement before that date, the Lords will appoint a suitable aliment for his wife. Meanwhile because she affirms that she cannot cohabit with him without danger, the Lords ordain him to pay to her £50 for her maintenance and lodging till Candlemas next. This sum the said David instantly paid, and the Lords ordained the provost and bailies of Edinburgh to put him to liberty. Fol. 264, a. Fol. 246, b.

Sir Hew Wallace of Craigie.

"The warrand formerlie grantit to Sir Hew Wallace of Cragie, knight baronnet, and his cautioners thairin conteanit, continued to the first day of November nixtocome."

Holyrood House, 26th August 1631. The Laird of Caprintoun and the Laird of Corstorphine.

"The quhilk day the Laird of Caprintoun as baillie of Kyle Stewart, and the Laird of Corstorphine as shireff of Edinburgh, accepted the offices and gave thair oath." Sederunts, November 1629-January 1635. Fol. 64, b.

Sederunts, November 1629-January 1635. Fol. 64, b.

Eodem die, post meridiem.

Sederunt—Stratherne; Murrey; Stirline; Bishop of Rosse; Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir James Baillie.

"The Lords ordains ane proclamatioun to be past for the course of farthing tokins to be published after the setting up of the workes and discharging the course of turnours after three moneths following the said proclamatioun, commanding the turnours to be imbrought within the said tyme, the imbringers receaving satisfactioun thairfoir in the saids farthings." Order for a proclamation anent the farthing tokens.

"The Lords thinks fitt and hes concludit that three thowsand stane weight of copper sall be coynned in farthing tokins to be receaved be his Majesteis subjects." Three thousand stones of copper to be coined into the farthing tokens.

Acta January 1631-May 1632. Fol. 91, b.

S[t] Andrewes; Stratherne; Stirline; Bishop of Ros; Bishop of the Yles; Tracquair; Clerk Register; Advocate. Holyrood House, 6th September 1631.

"The whilk day Walter Cornwall of Bonhard, compeirand personallie before the Lords of Privie Counsell, accepted the office of shirefship of Linlithgow upon him and gave his oath for faithfull discharge of the same." Walter Cornwall of Bonhard accepts the office of Sheriff of Linlithgow.

Decreta, March 1631-April 1632. Fol. 264, b.

[Sederunt as recorded above.] Holyrood House, 6th September 1631.

Supplication by Mr. Matthew Crawford, brother of the Laird of Lesnoreis, as follows:—The protection granted to him for coming from Ireland to this kingdom to be present at the settlement of the differences between his brother and Gabriel Porterfield of Hapland, in which he has a special interest, is now expired, and Lord Tracquair, to whose judgment the matters are submitted has appointed September instant for settlement thereof. He therefore craves their Lordships' protection for some time. The Lords grant him until 1st November next. Supplication for protection by Mr. Matthew Crawford, brother of the Laird of Lefnoreis.

Sederunts, November 1629-January 1635. Fol. 65, b.

"A commissioun past to the Erles of Murrey, Nithisdaill, Buccleuche, Tracquair and divers others for apprehending of Thomas Irwing, callit of Kirkpatrik, for the slaughter of umquhill Williame Grahame in Plumpe, with power to thame to carie hacquebuts and pistolets." Commission for the arrest of Thomas Irving, accused of manslaughter.

Acta January 1631-May 1632. Fol. 91, b.

Sederunt—Chancellor; Stratherne; Wintoun; Linlithgow; Perth; Wigtoun; Stirline; Areskine; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Tracquair; Advocate; Justice Clerk; Sir Johne Scot; Sir James Baillie. Perth, 21st September 1631.

Letter from his Majesty requiring an examination of the forfeited estates of the late Earl of Bothwell with a view to the benefit of Francis Stewart, the son of the said Earl.

"The whilk day the twa missive letters underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wer presentit to the saids Lords and read in thair audience, of the whilk the tennour followes :—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Whereas we have declared our pleasure that the trew worth arysing by the forefeyture of the lait Erle Bothuels[1] estait being found out by yow upon strict examinatioun, we have out of a dew consideratioun allowed to Francis Stuart, his sone, a considerable part thereof to be takin out of these lords possessiouns who have all the benefite of the said forefeyture, declaring that everie one of thame sall doe what ever sall be thought fitt in law and is in thair power to performe for securing the other of that whiche we have appointed to be done, a care being alwayes had, as we will take order for that effect, that the divisioun whiche we have declared sall be justlie and equallie made, giving to everie one his proportioun (for avoyding of future strife) at the parts where it may be most convenientlie for their use, seing that herein we have takin so great paines and have brought all things to that perfectioun that nothing resteth bot to know the trew worth of that estait, whiche convenientlie cannot be done heere. And we being unwilling to trust the tryell thairof to anie save unto suche in whome we absolutelie repose a cheefe trust, our pleasure is that not onelie yow cause exhibite unto yow the trew rentalls of the said estait, after what maner yow sall thinke fitt, bot lykewayes that yow give order to our Advocat to draw up the securiteis for that purpose leaving the blanks of the quota to be filled by us. In all whiche desyring that yow proceid with all convenient diligence till it be brought to a perfectioun according to our royall intentioun, we bid yow heartilie farewell. Frome our Court at Oatlands the eight day of August, 1631. CHARLES R. Right trust and right wellbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellours, right trusty and welbelovit counsellours, and trustie and welbelovit counsellours, we greit yow weill. Whereas we have heretofore sufficientlie signified unto yow our pleasure for exhibiting unto us the trew rentalls of the lands of the Erledome of Bothuell possest by the Erle of Bugcleuche, and intending the selfe same course with the abbacie of Kelso, whiche we did not mentioun in our former letter, we thairfoir have thought fitt heirby to will and require yow (notwithstanding of anie preceiding warrand) presentlie to goe on in the lyke course with the abbacie of Kelso by exhibiting unto us a trew and perfyte rentall of all the temporall lands of all that whole abbacie, togidder with a perfyte valuatioun of the spiritualitie thereof; and fearing your ordinarie way of valuatioun prove long and tedious we

Acts January 1631-May 1632. Fol. 91, b.

Fol. 92, a.

Another letter from his Majesty requiring the ascertainment of the rentals of the Abbey of Kelso with the same object.

Fol. 92, b.

[1] Francis Stewart, son of John Stewart, Prior of Coldingham, a natural son of James V., and Lady Jean Hepburn, only daughter of Patrick, third Earl of Bothwell. In consideration of his descent from the Hepburns, Francis Stewart was created Earl of Bothwell by James VI.

Acta January 1631-May 1632. Fol. 92, b.

heirby lykewayes will yow to embrace whatsoever speedie course yow in your judgement sall find most fit; and in respect of your not frequent meetings in vacatioun tyme we lyke it weill that a committee be chosen out of your nomber of suche as reside neerest our burgh of Edinburgh, if yow thinke it fitt, who for the speedier dispatche of these rentallis and valuatiouns may with the greater convenience meit so oftin as the necessitie of the service sall require. So recommending this to your speciall care and diligence as our trust is in yow, we bid yow farewell. Frome our Court at Nonsuch the last of August, 1631. Quhilks missives being heard and considderit be the saids Lords and they advised thairwith, the Lords of Secreit Counsell nominats and appoints and thairwithall gives power and commissioun to Thomas, Erle of Hadinton, Lord Privie Seale; George, Erle of Wintoun; Alexander, Erle of Linlithgow; Johne, Erle of Perth; Johne, Erle of Wigtoun; Adame, Bishop of Dumblane; Johne, Lord Tracquair; Sir Johne Hamiltoun, Clerk of Register; Sir Thomas Hope, his Majesteis Advocat; Sir George Elphinstoun, Justice Clerk, and Sir James Baillie of Lochend, or anie fyve of thame without excluding anie of the Counsell, to conveene and meit at Halyrudhous upon the 15 day of November nixtocome and at suche other days thereafter as they sall appoint, and there to receave the productiouns and rentalls of the lait Erle of Bothwells estait and living, als weill of the Abbacie of Kelso and haill temporall lands thairof with the spiritualitie of the same as of the remanent lands, lordships and baroneis perteaning to the said lait Erle; commanding heirby all and sindrie persons whome these productiouns and rentalls concernes to produce and exhibite the same before the saids commissioners the day foresaid, certifeing thame if they failyie in the said productioun that the Lords of his Majesteis Privie Council will proceid by thameselffes to the tryell of the worth of the said estait and living and will accordinglie informe his Majestie what they sall find thairin. And the saids Lords ordains missives to be direct to the Erles of Roxburghe and Buccleuche to certifie thame of this dyet; lykeas intimatioun thereof wes made to the said Francis Stuart, who wes personallie present, and to Androw Ker in name of the Erle of Roxburgh, to the intent they pretend no ignorance thairof."

Fol. 93, a.

Acceptance of Sheriffships.

"The whilk day Robert Maxwell of Dinwiddie as Stewart of Annerdaill, Sir Walter Stewart of Minto as shireff of Lanerk, Forbes of Pitsligo as shireff of Aberdein, Thomas Fraser of Streachine as shireff of Innernes, compeirand personallie before the Lords of Privie Counsell, gave thair oaths for the faithfull discharge of thair offices."

Anent deforcements in Inverness.

"The Lords of Secreit Counsell declares that the landslords within the shirefdome of Innernes sall be answerable before the saids Lords for the deforcements to be committed be thair tennents upon the shireffs officiars and others officiars imployed be him for his Majesteis service."

Commission to the Earl of Haddington to

"The Lords of Secreit Counsell, considering the necessar absence of John Home of Rentoun, who is now nominat to be shireff of Beruick

receive the oath of John Home of Renton as Sheriff of Berwick.

for the yeere to come and that he could not convenientlie compeir before the saids Lords in the burgh of Perth this present day to give his oath for the discharge of the office of shirefship within the bounds of the said shirefdome of Beruick, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grants, full power, warrand and commissioun, expresse bidding and charge to Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, to take the said Johne Home his oath for his faithfull discharge of the office of shirefship within the bounds foresaid, and to make ane formall report in writt to the saids Lords to the effect the same may be insert and registrat in the bookes of Privie Counsell; quhereanent thir presents sall be to the said Lord Privie Seale ane sufficient warrand." Acta January 1631-May 1652. Fol. 93, a.

Anent lights on the Skairheads.

"The Lords of Secreit Counsell having heard and consideritt the reasouns propouned be the commissioners for the Burrowes aganis the erecting of lights upon the Skairheids, and being weill advised thairwith, they find no reasoun for imposing anie dewtie to be uplifted aff anie shippes for maintenance of the same."

Anent lights on the Isle of May.

"The Lords of Secreit Counsell having heard and consideritt the report made be the commissioners for the Burrowes tuicheing the lights craved be Alexander Cunninghame of Barns to be erected on the Yle of May, and being weill advised thairwith and with the reasouns and grounds of the same, they find no reasoun for imposing anie dewtie to be uplifted towards the maintenance of the saids lights." Fol. 93, b.

Perth, 21st September 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 265, a.

Complaint by the provost and bailies of Dundee against William Alexander, merchant-burgess of Dundee, whom they accuse of illegally seeking to put them to the horn.

Complaint by the provost and bailies of Dundie as follows:—On 26th July last William Alexander, merchant burgess of Dundie, obtained a decree from their Lordships requiring the complainers to liberate him from their tolbooth in so far as he is warded there at the instance of James Durhame of Pitkerro, Peter Balmanno of Carlongie, Robert Murrey, burgess of Dundie, Marion Gleg and James Cochrane, her spouse. He then alleged that he had letters of protection from his Majesty, but he never told them of nor showed them this protection until after he had been arrested on letters of caption and warded, for if he had they would never have meddled with him, but now that he has been committed they stand liable to the party for the sums due if he escapes or is set at liberty. Further, they would have run the danger of this for obedience of their Lordships' decree, but that the said William was arrested within their ward on 4th August instant at the instance of Thomas Muddie, merchant burgess of Edinburgh, and on 20th June last at the instance of John Dinmure for certain debts due to them; and the decree does not cover these. Moreover, the protection bears that it is only to be operative if the said William pays the interest of the sums due to his creditors, and as he has not yet done so, he cannot claim the Fol. 265, b.

Decreta, March 1631-April 1632. Fol. 265, b.

benefit of it. Yet he intends to put the complainers to the horn if they do not liberate him. They have found caution to do so if their Lordships decide that they ought, and meanwhile crave suspension of the horning. The complainers appearing by Thomas Halyburtoun, their provost, and the defender by John Bathkat, messenger, who produced the protection and the letters of horning referred to, the Lords, after hearing parties, find the horning orderly and ordain the same to be put to further execution for putting of the defender to libertie; and they declare that this decree shall be a sufficient exoneration to the said provost and bailies, and shall free them from all danger at the hands of all persons at whose instance the defender is arrested.

Fol. 266, a.

Complaint by John, Lord Stewart of Traquair, against Andrew Scot in Scabcleuche and others for injury to his tenants and lands.

Complaint by John, Lord Stewart of Tracquair, and Sir Thomas Hope of Craighall, King's Advocate, as follows:—The said Lord Tracquair is heavilie molested in his lands of , in Selkirkshire, by Andrew Scot in Skabcleuche, Janet Tait, his spouse, Andrew Scot, his son, and James Scot, his servant; Thomas Nicoll in Thirlestane, Janet Laidla, his spouse, Jacke Laidla there, Malie Batie, his spouse, Hab Turnebull, his servant, and Hab Laidla there, who intend by deed and oppression to debar the complainer from his said lands and make them unprofitable to him. For this effect, in August, 1629, these persons came to the said lands armed with staves, swords and other weapons, and with great kents made for the purpose, "chaist and dang the said lords hors and nolt pastouring upon the ground of the saids lands for the tyme, gorred and mangled sindrie of thame and slew others, and hes thair servants daylie and nightlie attending about his saids lands awaiting the opportunitie to hound and slay his bestiall pastouring upon the same." In consequence of this none of the complainer's tenants or servants dâre put any of their goods upon these lands. Charge having been given to the persons named, and the pursuers appearing but none of the defenders, the Lords ordain them to be put to the horn and escheat; and that no suspension be granted to them but in presence of the whole Council.

Fol. 266, b.

Fol. 267, a.

Complaint by Daniel Grahame, servitor to the Deputy-keeper of the Privy Seal, against Robert Drysdale for assault.

Complaint by Daniel Grahame, servitor to Mr. Adam Hepburne, keeper-depute of the Privy Seal, as follows:—On 3rd September instant he was doing his lawful business within the dwelling house of beside the Tolbooth of Edinburgh, when Robert Dryisdaill, flesher in Edinburgh, without any cause assailed him, "and with ane fleshours braig, gave him twa cruell wounds on the head to the effusioun of his blood and perrell of his lyfe, and than fled, thinking the compleaner had beene slaine." The pursuer appearing by his master, Mr. Adam Hepburne, but the defender not compearing, the Lords ordain him to be denounced rebel and escheat.

Complaint by William Smith in Wauchton and Gavin

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and William Smith in Wauchtoun, tacksman and possessor of the lands of Kingside, and Gavin Patersoun in Kingside, his tenant, as follows:—

Paterson, his tenant, against Alexander Home of Gamilsheills for carrying off legally poinded goods and hame-sucken.

Although the wearing of hagbuts and pistols has been often prohibited yet, on last, Alexander Home of Gamilscheills, and Clariades Robesoun in Milknow, with some others, came to the said lands of Kingside and pastured there nolt and sheep. When for this cause the said Gavin Patersoun lawfully poinded these goods, these persons, with convocation of the lieges to the number of , armed with swords, hagbuts and pistols, came on August thereafter to the said lands, and violently carried off the said goods, and then by way of hamesucken went to the said Gavin's dwelling house to have taken his life if they had found him. The pursuers appearing by Mr. Adam Hepburne, and the defenders being also present, both parties agreed to submit the trial and ordering of this complaint to Thomas, Earl of Hadintoun, Lord Privy Seal of this kingdom. Decreta, March 1631-April 1632. Fol. 267, a. Fol. 267, b.

Counter-complaint by Clariades Robesoun and others against William Smith and others.

Counter complaint by Clariades Robesoun in Mylneknow, and Patrick Caldcleuche, his servant, as follows:—On August last, while the said Patrick was herding his master's goods at the marches of Mylne-know and Kingside, William Smith in Wauchtoun, Gavin Patersoun in Kingside, and John Fortoun in Penscheill, with others, armed with "bandit stalffes" and other weapons, came to him and assaulted him, "gave him manie bauche and blae straikes in diverse parts of his bodie, whairwith they strake him to the ground, and than with ane bandit stalffe straike him on the foreheid ane great and deidlie wound to the effusioun of his blood and perrell of his lyfe." The said Clariades Robe-soun appearing for himself and his servant, and the defenders appearing by Mr. Adam Hepburne, both parties agreed to submit the settlement of the complaint to Thomas, Earl of Hadintoun.

Complaint by John Wauch in Melrose and William Chisholm in Darnick, servants of Thomas, Earl of Haddington, against Mark Home and others for carrying prohibited weapons and for assault.

Complaint at the instance of Thomas, Earl of Hadintoun, Lord Privy Seal, Sir Thomas Hope of Craighall, as King's Advocate, John Wauche in Melros and William Chisholme in Dernick, servants to the said Earl, as follows:—Though the wearing of hagbuts and pistols has been often prohibited, yet when the said Earl sent his two servants foresaid to his wood of Sorrolesfeild to cut some trees for repairing his mills of Melros, Mark Home, son of the late Laird of Coldingknowes, Alexander Ridpeth, servitor to Alexander Home, brother of the said Mark, and James Baillie and James Wricht, servitors to the Lady Coldingknowes, armed with swords, hagbuts and pistols, assailed the said two servants, drew their swords and struck at them therewith, "bendit thair pistolets of purpose to have shott them," and would not permit them to cut any wood, but forced them to flee for their lives. The pursuers appearing by Mr. Adam Hepburne, their procurator, and of the defenders, James Wricht and Alexander Ridpeth, and probation being referred to their oaths of verity, which were negative, the Lords assoilzied them, but they ordain the said James Bailie and Mark Home to be put to the horn and escheat for non-compearance. Fol. 268, a.

Decreta, March 1631-April 1632. Fol. 268, b.

Complaint by Ludovic Ker of Easter Crichtoun, as follows:—On August last, Thomas Rutherfurde in Symontoun, accompanied by wrights with axes and other instruments, came to the complainer's house in Easter Crichtoun, and forcibly breaking up the gates, went to a loft in which the complainer's tenants had some corn, broke up the door of it and carried off the said corn; and on a subsequent day of the same month the said Thomas went to the complainer's lands, which were sown with wheat, and "shoore the said wheit to thair awne behove," to the complainer's heavy hurt and loss. The pursuer compearing, but not the defender, the Lords ordain the latter to be put to the horn and escheat.

Complaint by Ludovic Ker of Easter Crichton against Thomas Rutherford for damage done to the complainer's property and for theft.

Fol. 269, a.

Complaint by Andrew Kellie, burgess of Aberdein, as follows:—John Duff, his brother-in-law, in 1623 "spuilyied" his whole goods, and has ever since kept up the same, including his own sister's abuliaments, who is the complainer's wife. The complainer obtained a decree against the said John for making restitution, but he, to frustrate its execution, first bought an assignation from Stevin Boyd, merchant in Edinburgh, on a mutual bond between them to the effect that "whatever he shall deprehend belonging to the compleaner the one halfe sall belong to himselfe and the other half to the said Stevin," and upon these he caused the complainer to be warded within the tolbooth of Aberdein, where he has now remained a long time. Upon the complainer's petition to them, the Lords of Session ordained the said John Duff either to set the complainer at liberty or maintain him suitably in ward, but by some private dealing he procured the abstraction of this bill, and has since bought other two bonds over the complainer's head, on which he has raised letters and intends to arrest him in ward in the name of John Forbes of Bannagask, which he has borrowed for the purpose. The pursuer appearing by Duff, his spouse, but the defender not appearing, the Lords ordain the provost and bailies of Aberdein to liberate the pursuer from their tolbooth in so far as he is warded by the said John Duff either in his own name or as assignee for any other person.

Complaint by Andrew Kellie, burgess of Aberdeen, against John Duff, his brother-in-law, for illegal warding.

Fol. 269, b

Complaint by James Crichtoun of Fendraucht, as follows:—On 21st May last Gregor M'Gregour of that Ilk in Dalnabo in Strathawin, Margaret Sinclare, his wife, Callum Bayne M'Gregour in Strathawin, Alaster M'Gregour M'Neill there, James Logane, servitor to Patrick Murrey, younger, in Strathawin, Gordoun, son of the deceased James Gordoun, there, James Baine M'Inneis in Glenawin, Ferquhar and John Dargs in Glenlivet, Callum Baine in Badzenoch, Angus M'Alaster M'Eane there, Lauchlane M'Alaster M'Eane, his brother, there, James Gordoun, son of Alaster Gordon, officer in Badzenoch to Lord Gordoun, Alexander Cruikschanke *alias* Ridheid at Martinekirk in Strabogie, Gregor M'Ean Dwy, forester to the Marquis of Huntlie of the Quhytwod and deer, Donald M'Gregour in Bellibeg, William M'Johne

Complaint by James Crichton of Frendraught against the Marquis of Huntly, George, Lord Gordon, and Lady Rothiemay, whom he accuses of failing to restrain certain of their tenants from injuring the goods of the complainer.

McInneis McWilliame Mair in Auchinkyle, James Bayne McInneis and James Darg there, John M'Eane Dwy in Badzenoch, Callum McGregour, father's brother's son to Callum Oig in Strathawin, and Adam Gordoun, son of the deceased Sir Adam Gordoun of Park "in Carnwhelpe within a myle to the yett of Strabogie," all dwelling under the Marquis of Huntlie and Lord Gordoun, and John Gordoun in Carnehill under the Lady Rothemay, were put to the horn at the complainer's instance for not finding caution to appear before the Justice and undergo their trial for the thefts, heirships, depredations and slaughters committed by them, but to this horning they pay no regard, and the said Marquis of Huntlie, Lord Gordoun and Lady Rothemay are their landlords on whose lands they dwell, and to whom they pay "maill and dewtie with thair calpes and herezelds," and whom they accompany "at oastings and huntings," and ought therefore to answer for them. Charge having been given to them to appear and show cause why they should not answer for these persons and exhibite them to justice, and the pursuer appearing by Mr. James Baird, his procurator, and George, Lord Gordon, appearing for himself and his father, the Marquis, and Lady Rothemay by Mr. Henry Kinros, her procurator, Lord Gordoun became bound for the men and tenants of himself and his father that they will not molest the pursuer in any way in time coming and that if they fail herein, he will make good such damage at the sight of their Lordships, whereupon Mr. James Baird passed simply from his pursuit against them, and agreed to these persons being relaxed from the horn. In the case of John Gordoun in Carnehill, Mr. Henry Kinross produced a decree of removing which had been recovered by Lady Rothemay against him, and in terms of which he was lawfully removed; but Mr. James Baird replied that this was only a form and pretext, as the said John Gordoun still retained possession of his farm, and was presently dwelling upon the Lady's land, whereupon the Lords ordain her to remove the said John Gordoun before 15th November next under a penalty of 500 merks, and that meanwhile she will be held accountable for any injury done by him during his remaining upon her lands.

Decreta, March 1631-April 1632. Fol. 269, b.

Fol. 270, a.

Fol. 270, b.

Petition by the provost and bailies of Haddington for direction as to the punishment of Christian Paterson, who has been found guilty of witchcraft.

Petition by the provost and bailies of Hadintoun as follows:—Their Lordships have granted to them a commission for trying Christian Patersoun, wife of George Carmichael in Hirdmestoun, on a charge of witchcraft, and on 9th August last she was convicted by an assise of the following points—(1) "the laying on of ane heavie disease upon Jonnet Forrester, spouse to George Baillie of Templefeild"; (2) "laying on of ane madnesse and phrenesie upon Katharine Allane, her servant"; (3) "for the cruell murdering be witchecraft of umquhill Elizabeth Caldcleuche, spous to Archibald Maissoun in Samwelstoun and Bessie Maissoun, his daughter"; (4) "the cruell murdering be witchecraft of James Knight in Hirdmistoun"; (5) "for laying on by witchecraft of ane heavie sickenesse upon Elizabeth Andersoun"; (6) "for the death

Fol. 271,

Decreta, March 1631-April 1632. Fol. 271, a.

traike and decay of thair goods"; and (7) "for wracking and undoing of James Wadie in Saltoun by witchecraft." In terms of their commission the petitioners now report what they have done and crave their Lordships' further directions. The Lords ordain them to pass sentence of death upon the said Christian Patersoun for the crime of witchcraft, conform to the laws of the kingdom, and to cause the same to be executed upon her.

Supplication by Sir Alexander Home of Manderstoun as follows:— His Majesty has been pleased to grant him a protection to come home to this his native country for doing of certain business and relieving himself of some cautionries under which he lies for his father, Sir George Home of Manderstoun, and as these cannot be accomplished unless their Lordships grant their protection to his father, which his Majesty by his letter recommends them to do, he humbly craves to this effect. The Lords grant their protection to Sir George until 1st January next.

Supplication by Sir Alexander Home for protection to his father, Sir George Home of Manderston.

Fol. 271, b.

Sederunts, November 1629-January 1635. Fol. 65, b.

"A commissioun to the Lord Tracquair for taking of Philiphauche his oath as shireff of Selkirk and for taking of Archibald Maxwell of Cowhill his oath as shireff of Dumfries."

Perth, 21st September 1631. The Sheriffs of Selkirk and Dumfries.

"At Perth, *eodem die, post meridiem, sederunt ut ante meridiem* togidder with the Lord Gordon and Lord Carnegie."

Acta January 1631-May 1632. Fol. 93, b.

Sederunt ut die predicto.

Perth, 22nd September 1631.

"The whilk day Alexander Areskine of Din as shireff of Forfar, compeirand personallie before the Lords of Privie Counsell, accepted the said office upon him and gave his oath for the faithfull discharge thairof."

The sheriffship of Forfar.

"The whilk day the commissioners for the Burrowes compeirand personallie before the Lords of Privie Counsell undertooke to visite and try the estait of the river of Forthe abone the Quenisferrie yeerelie and report to the saids Lords what they find thairin betuix and Lambmesse yeerelie."

Anent the river Forth.

"The Lords recommends to Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, the executioun of the orders sett doun for cleanging of the firth."

Anent the same.

"The Lords of Secreit Counsell recommends to Alexander, Erle of Linlithgow, Lord Admirall, to proceed aganis the stealers of towes and barrellis to the prejudice of the herring fishing with all the rigour and extremitie that the course of law can allow in suche a caise."

Anent the stealing of ropes and barrels connected with the herring-fishing.

"The Lords of Secreit Counsell gives and grants warrand and commissioun be thir presents to Alexander, Erle of Linlithgow; Johne, Erle of Wigtoun; Adame, Bishop of Dumblane; Alexander, Maister of Elphinstoun, and Sir Johne Hamiltoun, Clerk of Register, or anie three of thame, to conveene and meit when and where they thinke expedient

Anent those who suffered by the sliding of the moss in Stirlingshire. See Index to preceding volume of Register.

and to call before thame the parteis interessed be the mosse and to take notice of thair losses and according thairunto to divide and proportioun to thame the moneyes contribute for thair releefe." Acta January 1631-May 1632. Fol. 93, b.

Submission of their dispute to arbitrs by John, Bishop of the Isles, and Lachlan M'Lean of Morven. See *ante*, p. 309.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Bishop of the Yles, on the ane part, and Lauchlane M^cClaine of Morverne, on the other part, and submitted, lykeas be the tennour of this present act, they submitt all differenceis, contraverseis and actiouns standing betuix thame with the grounds and occasiouns thairof to the honnourable persons underwrittin, they ar to say, to Adame, Bishop of Dumblane, Patrick, Bishop of Rosse, Johne, Lord Tracquair, and Sir Thomas Hope, His Majesteis Advocat, or anie twa of thame for the part of the said Bishop of the Yles, and to Archibald, Lord of Lorne, Sir Archibald Achesoun, Secretar, Sir George Elphinstoun, Justice Clerk, and Sir Johne Scot of Scotistarvet or anie twa of thame for the part of the said Lauchlane M^cClaine, and incaise of variance betuix thame, to George, Viscount of Dupline, Lord High Chanceller of this kingdome, as oversman nominat be both parteis; and whatsoever the saids judges or anie twa of them, as said is, for either partie, and incaise of thair not agreement the said Lord Chanceller, sall decerne heerin, both the saids parteis band and obleist thame to stand and abide thereat, underly and fulfill the same but reclamatioun, appellatioun or again calling whatsomever." Fol. 94, a.

Commission to take the Sheriff of Perth's oath.

"Forsameekle as the Lords of Secreit Counsell hes nominat and appointed Sir Johne Moncrieff of Easter Moncreiff, knight, to be shireff principall of the shirefdome of Perth for the yeere to come, who in regarde of his absence cannot now give his oath for discharge of that office, thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennour heirof gives and grants, full power and commissioun to George, Vicount of Dupline, Lord High Chanceller of this kingdome, to take the said Sir Johne his oath for the faithfull discharge of his office and to make ane formall report in writt to the saids Lords, to the effect the same may be insert and registrat in the bookes of Privie Counsell; whereanent thir presents sall be to the said Lord Chanceller ane sufficient warrand."

Commission to take the Sheriff of Ayr's oath.

Similar commission to John, Earl of Wigtoun, to take the oath of James Chalmers of Gatgirth, who has been chosen by the Lords of Privy Council to be sheriff-principal of Air for the following year. Fol. 94, b.

Commission for taking the oaths of the Sheriffs of Selkirk and Dumfries.

"The Lords of Secreit Counsell in regarde of the necessar absence of Sir Johne Murrey of Philiphauche, nominat to be shireff of Selkirk, and Archibald Maxwell of Cowhill, nominat to be Shireff of Dumfreis, for the yeere to come, hes givin and grantit, and be the tennour heirof gives and grants, power and commissioun to Johne, Lord Stewart of Tracquair, to take the saids twa shireffs thair oathes for the faithfull discharge of thair offices, and to make ane formall report thairof in writt, to the effect the same may be insert and registrat in the bookes of Privie Counsell, quhereanent thir presents sall be to the said Lord Tracquair ane sufficient warrand."

Acta January 1631-May 1632. Fol. 94, b.

" Forsameekle as the Lords of Secreit Counsell ar informed that there is latelie some trouble fallin out betuix Sir Robert Hepburne of Barefute and George Hepburne of Alderstoun, his sone, on the one part, and Androw Quhyte of Markill, keeper of the Tolbuith of Edinburgh, on the other part, whairupon forder disorders and inconvenients is lyke to ensew to the breake of his Majesteis peace, without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging both the saids parteis to compeir before the saids Lords upon the first day of November nixt to underly suche order as sall be tane with thame for observing his Majesteis peace, under the pane of rebellion, etc., with certificatioun, etc.; and in the meane tyme to command and charge the saids persons that nane of thame presoome nor take upon hand to invade or persew one another for whatsomever querrell, caus or occasioun, bot that they keepe good rule and quyetnes in the countrie, under the panes following, viz., the said Sir Robert Hepburne under the pane of fyve thowsand merkes, the said George Hepburne under the pane of twa thowsand merkes, and the said Andro Quhyte under the pane of twa thowsand merkes; certifeing thame that failyeis and does in the contrair that they sall be decerned to have incurred and to incurre the saids panes, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis Thesaurar, Deputie Thesaurar and Receavers in his Majesteis name and to his Majesteis use in forme as effeirs."

Charge to Sir Robert Hepburn of Barefute and his son, on the one hand, and to Andrew White of Markill, on the other, to keep the peace.

Vol. 95, a.

" Forsameekle as it is understand to the Lords of Privie Counsell that Sir Johne Ogilvie of Craig, ane excommunicat and rebellious Papist, being for his scandalous behaviour first warded within the Castell of Edinburgh, thereafter confynned within the touns of Edinburgh and S^{t} Andrewes and others parts, and at last allowed to goe home to his dwelling hous of Craig upon promise of ane sober and modest behaviour without scandall or offence to the Kirk, nevertheles the said Sir Johne since his going home hes behaved himselfe verie scandalouslie, daylie conversing with excommunicat persouns, privately ressetting seminarie and messe preests, and restraining his barnes and servants frome comming to the kirk, to the high offence of God and disgrace of his Majesteis governement; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Sir Johne to make his addresse to the citie of S^{t} Andrewes betuix and the day of , and to keepe waird within the same and not to depart nor remove furth thairof untill he be fred and releeved be the saids Lords, with certificatioun to him and he failyie that the course and order prescryved be his Majesteis lawes aganis excommunicat Papists sall be putt in executioun aganis him without favour."

Charge to Sir John Ogilvie of Craig to keep ward in St. Andrews inasmuch as he has broken his pledge to the Council.

Decreta, March 1631-April 1632. Fol. 271, b.

Sederunt ut die predicto.

Perth, 22nd September 1631.

Complaint by Robert Crichtoun of Ryhill, stewart depute of Annerdaill, Complaint by

Robert Crichton of Ryhill, stewart-depute of Annandale, against Stephen Young, the stewart-clerk, for failing to account for certain taxes which the said Stephen had collected.

as follows:—It was devolved upon him to ingather the taxation granted to the King in October, 1625, for the third and fourth terms thereof, and he employed Stevin Young, the stewart-clerk, to attend to this matter, who received payment from several freeholders and others, but has never accounted for the same and refuses to do so unless compelled. Charge has been given to him to this effect or else to compear before their Lordships, and the pursuer compearing by James Currie, his procurator, but no appearance being made by or for the defender, who, as the said procurator affirms, has not obeyed the charge, the Lords ordain him to be put to the horn and escheat. Decreta, March 1631-April 1632. Fol. 271, b. Fol. 272, a.

Complaint by John Haldane of Gleneagles and —— Logan, his tenant, against Walter Buchanan of Spittell and his son for damage done to the mill of the said Logan.

Complaint by John Halden of Glenegeis, and Logane, miller at Cattermilne, his tenant, as follows:—On Walter Buchannan of Spittell and Edward Buchannan, his son, or certain persons at their instigation, came by night to the said mill, "cutted and brake doun the mylne stands thairof, tooke away the rynd of the same, and hes intruded thameselffes in the kills, barns and others belonging to the said mill, hes raised and takin away the merche stones quhilks divided the said mill, mylne lands and houses thairof frome the said Edward's lands of ," and by their daily oppressions and violence do what lies in their power to cast the same waste and appropriate them to themselves. The pursuers compearing personally, and also the said Edward Buchannan, to whose oath the pursuers declared themselves willing to refer the truth of the complaint, and he denying, the Lords assoilzie him; but they ordain Walter Buchannan, who did not appear, to be put to the horn and escheat. Fol. 272, b.

Supplication by Dame Marion Boyd, Countess of Abercorn, that she may have licence to pass the winter at her lodging at the Canongate.

Supplication by Dame Marion Boyd, Countess of Abercorne, as follows:—Their Lordships granted to her their permission to remove from Duntarvie to her places of Blackstoun and Paisley until Candlemas; but these places are somewhat ruinous and therefore unfit for her residence during winter in respect of her great infirmity and sickness; and, moreover, the ministers of these places, to whom she is unwilling to give any matter of offence, are not content that she should remain in the neighbourhood, wherefore she craves that their Lordships would allow her to go to the Cannogait and remain there this winter. The Lords grant her this permission to repair to her lodging in the Cannogait and remain there until 1st May next, seeing that Claud Hamiltoun of Strabran, Master of Paisley, her son, compearing personally, has become cautioner for her under the penalties contained in the former act that she shall remain there during the foresaid space. Fol. 273, a.

Supplication by Lachlan M'Lean of Dowart anent the barony of Dowart of which his brother has granted him possession.

Supplicatioun by Lachlan M°Claine of Morverne, as follows:—He is lawfully provided to the lands and barony of Dowart by M°Claine of Dowart, his elder brother, by virtue of which the performance of the articles and conditions prescribed by their Lordships to the Islesmen devolve upon him as master and landlord in respect of these lands, and he has been anxiously careful since his entry to observe these. But

Decreta, March 1631-April 1632. Fol. 273, b.

some of his unfriends, envious of the favour shown by his said brother to him, have combined with the purpose not only of making his brother's grant ineffectual, but also of bringing him under their Lordships' censure through the violation of the foresaid articles. For this end they have laboured both with his said brother and his father by false information and malicious suggestions until they have alienated their affection from him and enraged them to seek his utter wreck and overthrow, and he has been debarred from his lands, not daring to go thither for fear of his life. His unfriends and other disorderly persons within these bounds intend to take "ane licentious libertie of sorning and oppressing the poore people in these bounds" so as to bring him under censure for their disorders. He therefore craves that they would grant a commission to Archibald, Lord Lorne, to aid and assist him in recovering and maintaining his right and possession of the barony of Dowart, repressing the disorders therein, and taking an effectual course for the preservation of the peace there. Their Lordships grant the prayer of this petition.

Supplication by Michael Carlill in Cokisfeild, as follows:—In June last, upon false information given by Sir John Maxwell of Conhaith to the Viscount of Drumlanrig that the supplicant had stolen some gold from him, he was warded in the place of Drumlanrig without any legal charge, and on complaining thereof to their Lordships, he was produced before them on 26th July last, when he was ordained to be liberated on finding caution to appear for trial before the Lords Tracquair and Dalzell and the Laird of Lag in their justice court at Dumfreis on 24th August last, under the penalty of 1000 merks. He and his cautioner appeared there that day, but as the commissioners were not all present the diet was continued until 15th September, and his cautioner was ordered to stand good for his compearance then; whereupon he took instruments of his readiness to appear and of the absence of his accuser. He also kept this second diet but neither judge nor party appeared. By this their Lordships may see that his accuser has no other end in view than causelessly to bring his life, estate and good name under the danger of the law, and draw him to endless attendance and expense. He therefore craves that their Lordships would grant an act in his favour. The Lords do so, discharging the Viscount of Drumlanrig and the Commissioners of the Middle Shires of all further proceeding against the petitioner in the above matter, he finding caution in the books of Adjournal in 1000 merks to appear on fifteen days' citation before the Justice and his deputes and there answer to any charge to be made against him by Sir John Maxwell or any other person.

Fol. 274, a.

Supplication by Michael Carlyle anent the postponement of his trial for an offence of which he had been accused by Sir John Maxwell of Conhaith.

Fol. 274, b.

Supplication hy George Lawder of Bas and Hepburne, his mother, as follows:—Their former petition for a protection in order to settling with their creditors was refused because the consent of James Livingstoun of Beil, their principal creditor, had not been obtained. He

Supplication by George Lauder of Bass and his mother for protection.

is now both willing and desirous that they should have their Lordships' favour in this respect, which, accordingly, they crave. The Lords grant them their protection until 14th November next. Decreta, March 1631-April 1632. Fol. 274, b.

Supplication by Sir David Livingstone of Dunipace and others for continuance of protection to the said Sir David.

Supplication by Sir David Livingstoun of Donypace, John Livingstoun, his son, David Barclay of Maders, and Robert Livingstoun, merchant burgess of Edinburgh, his cautioners, as follows:—Their Lordships' warrant to the said Laird of Donypace for agreeing with Sir John Carnegie for the sale of his lands expires on the 23rd instant, and the matter is not yet settled, nor the money received, whereby only they can give the intended satisfaction to their creditors, and they therefore crave a continuation of it. The Lords grant them this until 14th November next. Fol. 275, a.

Protection to John Traill of Blebo.

"The lyke protectioun continued to Johne Traill of Blebo for fitting his compts with his uncle untill the said fourteen day of November next."

Protest by John Ewen, burgess of Stirling, anent a citation which had been served against him.

John Ewin, burgess of Stirline, compearing personally, produced a summons against him at the instance of James Archibald in Bonitstane, servitor to William Murrey of Towchadame, who had accused him of taking a "wob" from him and caused the provost of Sterline to commit him to ward, and protested that in respect of the absence of the said James, his accuser, no further proceedings should pass against him in this matter save upon a new citation and payment of his expenses. This protest the Lords admit. Fol. 276, a.

Supplication by Peter Rollock and others that their trial may be deserted, as their accuser has allowed them to be innocent.

Supplication by Peter Rollock, Alexander Fordyce, called of Knightsmilne, Alexander Alschonner, and George Gammie, as follows:—The 9th of November next is appointed for their appearing before his Majesty's Justice in the Tolbooth of Edinburgh for trial on a charge of shooting and wounding James Leslie of Achortes in the arm, of which crime they are altogether innocent; and the said James Leslie, having since learned the truth of the business, and by whom the deed was done, has settled and agreed with the petitioners, as some of their Lordships know, wherefore they crave that their Lordships would direct the Justice to desert the said diet against them. Their Lordships grant the prayer of the petition and ordain accordingly. Fol. 276, b.

Perth, 22nd September 1631.

"The quhilk day the gentrie and commissioners for the Burrowes gave in thair declaratioun anent the reserved fishings." Sederunt, November 1629-January 1635. Fol. 66, b.

The reserved fishings.

"*Apud Perth 22° Septembris, post meridiem, sederunt ut ante meridiem.*

Anent the same.

"The Lords finds a necessitie of the reservatioun of the three firthes mentiouned in the declaratioun foresaid with fourteene myles aff the coast interjected betuix the saids firthes in respect that the countrie there is weill peopled and that the salmound fishing may otherwayes be spoyled; remitting to his Majestie the distance to be keeped aff the rest

Sederunts, November 1629-January 1635. Fol. 66, b.

of the coasts and yles to be enlarged or impaired as his Majestie sall find the estait of the countrie to require."

Royal Letters, 1623-33. Fol. 200, b.

"After our verie heartlie commendatiouns to your good lordship. Quheras it hes pleased the Kingis Majestie to recommend unto us by his letter the tryall taking of the rentall and worth of the lait Erll Bothwellis estait and of the Abbacie of Kelso we for obedience to his Majesteis directioun in this point have delegat certane of our nomber for this purpose unto whome your lordships and Francis Stewart, sonne to the said Erll Bothwell, ar ordained to give in your severall rentalls upoun the 15 of November nixt; quhairof in regaird of your lordships absence at this tyme we have thought fitt by thir presents to advertise your lordships to the affect your lordships may attend the day foirsaid or give ordour for productioun of your rentallis to the effect abone writtin; quhairin nothing doubting of your lordships readie obedience in this mater we committ your lordships to God. From Perth, the 22 of September, 1631. *Subscribitur*, Chancellar, Stratherne, Wintoun, Linlithgow, Wigtoun, Gordon, B. Ross."

Perth, 22nd September 1631. Letter of Council to the Earls of Roxburgh and Buccleuch anent the rentals of the estate of the late Earl of Bothwell. See *ante*, p. 328.

Fol. 201, a.

Fol. 201, b.

"Most sacred Soverane, There wes latelie ane question moved at the Counsell table be Sir Archibald Achesoun, your Majesteis Secretar, alledging that he wes wronged in the lait commissioun of the Exchecker by postponing and placeing of him in the said commissioun after the Clerk Register, Advocat, and others officers of estait. We having at lenth heard all parteis having interesse in that mater, who wer allowed to propone before us all that either of thame had to say for thair precedence, we gave order for expeding of the said commissioun with this declaratioun that the ranking of the said Sir Archibald in that commissioun sall not prejudge him and his successours of anie precedence dew and possest be thame till your Majestie be pleased to declare your royall will in the contrair, and we have ordained the word Secund, adjoynned to the said Sir Archibald his office of Secretarie, to be delete in the said commissioun, as more particularlie your Majestie will perceave by our sentence givin in this mater conteaning the reasouns, answers, replyes and duplyes of both parteis whiche, with the said Sir Archibald his complaint, the patent of his office, and the Acts of Parliament and Secreit Counsell produced be him in this processe, we have heerewith sent up to your Majestie. And becaus the mater now in questioun will whollie depend upon your Majesteis gracious will and pleasure we have foreborne to meddle thairwith bot hes remitted the same to your high and excellent judgement, and what your Majestie sall be graciouslie pleased to declare thairin we sall in all readinesse humbelie obey. And so, etc. Perth 22 *Septembris* 1631. *Subscribitur*, Dupline, Stratherne, Wintoun, Linlithgow, Perth, Wigtoun, Gordoun, Dunkelden, B. Ros, Areskine, Dumblane, Melvill, Carnegie, Scottistarvet."

Perth, 22nd September 1631. Letter to his Majesty anent the question of precedence between the Lord Advocate and the second Secretary. See *ante*, p. 273.

Perth, 23rd September 1631.

Sederunt ut die predicto.

Sederunts, November 1629-January 1635. Fol. 67, a.

The reserved fishings of the Orkneys and the Shetlands.

"The quhilk day the commissioners for the Burrowes gave in thair declaratioun anent the reserved fishings of the Yles of Orkney and Zetland and remanent yles and loches therein and mayneland foregainst the same."

Holyrood House, 5th October 1631.

Sederunt—Stratherne; Bishop of S[t] Andrewes; Wintoun; Air; Bishop of the Yles; Tracquair; Advocat; Justice Clerk.

Acta January 1631-May 1632. Fol. 95, a.

Commission to Ludovick Leslie, lieutenant-colonel to Sir John Hamilton, to levy 200 men for the service of the King of Sweden.

"The Lords of Secreit Counsell, according to ane warrand in writt signed be the Kings Majestie and this day presented to the saids Lords, hes givin and grantit, and be the tennour heirof gives and grants, full power and commissioun to Ludovick Leslie, lieutennent colonell to Sir Johne Hamiltoun of Stirline [*sic*], knight, to levey and take up twa hundreth men within this kingdome out of all suche persons within the same as he sall find readie to goe with him, and to transport the same over sea, to be ane recrew for the said Sir Johne his regiment under his Majesteis darrest brother, the King of Sueden, he alwayes giving suche satisfactioun to everie ane of the said nomber as sall be agreed upon betuix thame; with power to him for this effect to caus towcke drummes, displey cullours, and to appoint officiars and commanders over the said nomber of men for the better conduct and governement of the same, and all things necessar to doe heeranent quhilks in suche caises ar usuall: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin: Commanding heirby all officiars, judges and magistrats to burgh and land to assist the said Ludovick in all and everie thing quhilk may forder the leveying and transporting the nomber of men foresaid: And if anie persoun or persons who sall receave his pay and inroll thameselffes under his charge sall happin thereafter to withdraw thameselffes fra his service that the saids judges, officiars and magistrats doe justice to the said Ludovick aganis thame as accords. Followes his Majesteis missive for warrand of the act abonewrittin:—

Fol. 95, b.

CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weill. Haveing intentioun upon verie good considerationns at this tyme to aide our brother, the King of Sueden, with suche forces as we can convenientlie spare frome all our kingdomes, our pleasure is that yow grant unto our trustie and weilbelovit Ludovick Leslie, lieutennent colonell to Sir Johne Hamiltoun of Skirline, knight, a commissioun with ane sufficient warrand to transport thither two hundreth men, and that towards the recrue of the said Sir Johne his regiment, out of all suche persons within that our kingdome as he sall find willing to goe with him thither; granting him libertie to towcke drummes for that

Acta January 1631-May 1632. Fol. 95, b.

purpose with als large priviledges as anie other had heeretofore in the lyke kynde, he alwayes giving suche satisfactioun to everie one of the said nomber as sall be agreed upon betuix him and thame according to the former custome in the lyke caises. For doing whairof these presents sall be unto yow ane sufficient warrand."

Decreta, March 1631-April 1632. Fol. 275, a.

[Sederunt as recorded above.]

Holyrood House, 5th October 1631.

Complaint by —— Hantoun in Balhaggartie, as follows:—On 25th September, 1627, William Troup, eldest lawful son of William Troup of Pendreich, and John Strauchane in Fettercarne, became cautioners by act of caution in the books of Privy Council, that David Ramsay, sergeant to Sir Alexander Strauchane of Thornetoun, would send back from Germanie to this kingdome, Robert Hantoun, the complainer's son, whom the said David had sent away with some soldiers, before the following Yule, under the penalty of £200, which in the event of failure they were to pay to the complainer on 1st February thereafter. Now, the Fol. 275, b. said David Ramsay has not sent back his son, and so the said cautioners ought to be decerned to pay the said penalty. Charge having been given to the said William Troup, and the pursuer compearing by Mr. David Mitchell, minister at Edinburgh, and the defender being personally present, the latter explained that the said Robert Hantoun was dead within the time allowed for his exhibition, and that he had sent his sergeant from Cowpnahome [Copenhagen] to Lückestade [Glückstadt] six weeks before the said feast of Yuile to bring back the said Robert Hantoun. The Lords find the answer relevant, and they assign to the defender the first Council day of February next to prove either by witnesses or by a certificate from the burgomaster of Lükestade that the said Robert Hantoun Fol. 276, a. was dead before Yule 1627, so that it was impossible to exhibit him; and he acted himself to do this under the penalty of 500 merks. The Lords further reserve to the pursuer all action competent to him against the said David Ramsay for the wrongful taking away of his son.

Complaint by —— Hanton in Balhagartie against William Troup, eldest son of William Troup of Pendreich and John Strachan in Fettercairn for failing to bring the complainer's son from Germany as they had become bound to do.

Sederunts, November 1629-January 1635. Fol. 67, a.

Sederunt—Privy Seal; Wintoun; Linlithgow; Annerdaill; Lauderdaill; Clerk Register; Advocate; Justice Clerk.

Holyrood House, 1st November 1631.

Decreta, March 1631-April 1632. Fol. 276, b.

[Sederunt as recorded above.]

Holyrood House, 1st November 1631.

Complaint by Sir Thomas Hope, his Majesty's Advocate, and George Foullis, Master of the Mint, and Elizabeth and Anna Foullis, daughters of the deceased Mr. Robert Foullis, advocate, heritable proprietors of the lands and lead mines of Leidhill in Crawfordmure, and John Mure of Annatsoun, tacksman and possessor thereof, as follows:—The wearing Fol. 277, a. and bearing of hagbuts and pistols and convocation of the lieges in arms has been often prohibited, yet David Foullis of Glendorche, pre-

Complaint by George Foulis, Master of the Mint, Elizabeth and Anna Foulis, proprietors of the lands and lead mines of Leadhills, and by John Mure of

Anniston, tacksman of the said lands and mines, against David Foulis of Glendorche and Sir William Baillie of Lamingtou, whom they accuse of illegal action against the said Laird of Annistoun.

tending right to these lands and mines and disdaining to pursue his claim (if he any has) in a legal way, resolved by way of deed, bangsterie and oppression, to debar and seclude the complainers from these lands and mines, in which they are heritably infeft by lawful securities. For this end he has disponed his pretended right to Sir William Baillie of Lamingtoun, who upon 19th October last, directed the said David, with Alexander Hamiltoun in Glendorche, John Shankland in Lamingtoun, Arthur Baillie there, Richard Tennent there, William Tennent, elder and younger, there, Robert Baillie, natural son of the deceased Matthew Baillie, William M^cWeill, servitor to the Laird of Lamingtoun, and James Baillie, his brother, all armed with hagbuts and pistols from Edinburgh to Leidhill, where, upon the following day, they violently entered the house possessed by the said Laird of Annystoun, and in his absence struck and wounded his wife, children, and servants, "threw thame over staires, thrust thame to the doores, threatned thame with thair gunnes and pistolets and than closed the yetts, brake up the lockfast loomes" within the house, and dealt with them as they pleased. And on the next day, the 21st, the said Sir William assembled some three score persons, all armed with hagbuts and pistols and other weapons, and leading them to the said lead mines, left them "at the backe of ane know," then he personally accompanied by ten persons went to the place of Leidhill, "conferred with these who wer within the hous, dranke with thame, went to the toun of Leidhill, commandit the workemen to worke in name of the said David Foullis, thereafter departed from the hous ane quarter of a myle and sent backe to these being within the hous Williame Shankiland, William and Richard Tennents, his servants, commanding thame to enter the hous and to concurre with the rest; lykeas the said Sir Williame, how soone he come to Lamingtoun, sent ane laid of meale with ane gunne to the persouns foresaids the better to strengthen thame and make thame stand out." John Mure, being informed of all this, went to William, Earl of Angus, heritable bailie and justice of peace within these bounds, and desired him to repossess him in the said house, and the Earl sent three of his servants with his clerk to crave the house to be rendered. But these, being "answered with threatning and reproachefull speeches," the Earl was obliged to go in person to the said house, "where having represented to the saids persons thair bold attempt and insolence and craved delyverie of the hous to him as his Majesteis justice of the peace, they verie proudlie shott out gunnes, pistolets and threw stones at [out] the windowes of the hous at the said Erle and his servants, so as he wes forced for saulfetie of his honnour and credite to breake up the yetts of the place; but how soone he entered the said Williame M^cWeill presented ane bendit hacquebut to the said Erle and had not failed to have shott him thairwith if he had not retired backe." Charge having been given to the said Sir William Baillie and the other persons named,

Decreta, March 1631-April 1632. Fol. 277, a.

Fol. 277, b.

Decreta, March 1631-April 1632. Fol. 278, a.

and the pursuers appearing, the said George Foullis also representing the daughters of the deceased Mr. Robert Foullis, and the defenders likewise being personally present, the Lords after hearing parties and their witnesses, find "that the said David Foullis violentlie tooke the hous lybellit without warrand or order of law, and that the said William M^cWeill, Johne Shankiland, Alexander Hamiltoun, William Tennent, younger, and Richard Tennent, come to him within the hous and assisted him in the keeping thairof aganis the said Williame, Erle of Angus, who come there and in his Majesteis name craved delyverie of the hous to be made to him, and that they had ane hacquebut with thame in the hous," for which insolence they commit them to ward in the tolbooth of Edinburgh; and they assoilzie Sir William Baillie, James Baillie, his brother, Arthur Baillie in Lamingtoun, Robert Baillie, son of Matthew Baillie, and William Tennent, elder, against whom nothing was proved Fol. 278, b. by the witnesses. Further, the Lords ordain the said Earl of Angus to repossess the said John Mure of Annatstoun in the said house, to be enjoyed by him until he be legally removed; and the said Laird of Lamingtoun and John Mure to find lawsurety to each other, the former in 3000 merks, and the latter in 1000 merks.

Caution by Alexander Menzies of Coulterallers for Sir William Baillie of Lamington that he will not molest the Laird of Anniston.

Act of caution by Alexander Menzies of Cowteraw in 3000 merks for Sir William Baillie of Lamingtoun, that he will not molest John Mure of Annystoun, nor his family, servants, etc.; with clause of relief.

Further complaint by John Mure of Anniston against Sir William Baillie of Lamington.

Complaint by John Mure of Annystoun, as follows:—In addition to Fol. 279, a. the manifold wrongs he has endured at the hands of the Laird of Lamingtoun and his brothers, which he patiently bore, in the hope that forbearance would have drawn them to a milder course, though he found that it only increased their insolence, on October last James Baillie, brother of the said Laird, went to James Stratoun, writer, whom he knew to be a common friend to them both, "and desired him in his name to give up with the compleaner and to assure him that it sould not ly in his power to keepe Cliddisdaill." Both parties compearing, and they and their witnesses having been heard, the Lords find the charge verified, and for this great insolence they commit James Baillie to ward within the tolbooth of Edinburgh, and ordain both parties to find law-surety to each other in 1000 merks.

Complaint by David Foullis of Glendorche and others against the Earl of Angus and others for wearing hagbuts and pistols and for illegal warding of the complainers.

Fol. 279, b. Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, David Foullis of Glendorche, William M^cWeill, Alexander Hamilton in Glendorche, John Shankilaw in Lamingtoun, Arthur Baillie there, Robert Baillie, natural son of Matthew Baillie of Littgill, and William and Richard Tennents, as follows:—The bearing and wearing of hagbuts and pistols has been often prohibited by law, yet on October last, William, Earl of Angus, Patrick Dicksoun, Patrick Livingstoun and Richard Douglas, his servants, John Douglas in Elvingshill, John Meinzeis in Hirdrig, Archibald Inglis there, James Inglis of Skraigtoun,

James Beck in Kirktoun, Gilbert Linlithgow there, Robert Lappie in Milneholme, Robert Querin (?) and Walter Scot, servitors to the said Earl, Andrew and Thomas Quhyte in Kirktoun, Maurice Carmichell in Eastend, Francis Douglas, brother of the said Earl, Alexander Baillie of Bagbie, William Inglis in tounend of Robertoun, John Mure of Anystoun, Francis Weir, James Dobie, and Robert Rentoun, servitors to the said John Mure, Charles Carmichell in Westoun, Edward Lindsay of Laigwell, Alexander Baillie in Littlegill, Alexander Weir in Quhytcamp, George Welsche in Quhelphill, John Williamsoun of Overhall, William Rammage of Hilhous, Robert Chisholme, William M^c^Quhat in Kirktoun, John Gibsoun, younger, in Crawfurd, William Gibsoun there, Robert Johnestoun in Catchappell, John Tinto in Over Southwod, Thomas Stoddert in Wandelmylne, William Baillie in Hartsyde, John Carmichell in Littlegill, John Merschell in Wodend, William Lindsay in Glengeich, John Williamsoun in Netherhall, Matthew Williamesoun there, David Moffat in Normangill, Adam Kirkhop in Kirktoun, John Beck in Crawfurd, William Lockhart at the Castle of Crawfurd, Robert Twedie of Neather Southwod, John Weir son of Thomas Weir of Neathertoun, Richard Jardine in Overhouses, Thomas Jardane in Wandeldyke, and James Reid in Glaspen, with their accomplices, to the number of sevenscore persons, armed with swords, spears, and the forbidden hagbuts and pistols, came to the place of Leidhill, possessed by the said David Foullis and remanent persons foresaid in peaceable manner, and with violence broke up the doors of the said house, entered therein, put hands on the complainers, and "band thame with cords and towes as if they had beene theeves, and caried thame captives to the Castell of Dowglas," where the said Earl still detains them as prisoners, without any lawful warrant or cause. The pursuers compearing personally, and the said Earl also compearing for himself and the remanent defenders, the pursuers were asked if they intended to insist in their complaint, which they one and all said they would not do; and his Majesty's Advocate, hearing this "and that they would not concur with him therein nor give him light and informatioun thereanent," he also passed from the same. The Lords therefore ordain that no process shall at any future time be granted against the defenders in this matter.

Decreta, March 1631-April 1632. Fol. 279, b.

Fol. 280, a.

Complaint by Robert Millar, sometime at the mill of Swynewod, against the kin of the late Patrick Craw, son of Patrick Craw in Greenhead, for refusing to accept assythment in connection

Complaint by Robert Miller, sometime at the mill of Swynewod, as follows:—In the year 1618 Patrick Craw, son of Patrick Craw in Greinheid, accidentally meeting the complainer near the town of Swynewod, upbraided him with "some injurious words," whereupon they fell to blows "with thair fists allanerlie," after which the said Patrick lived about six months and then died of an ordinary sickness. The kin and friends of the deceased man, intending to abuse their friendship and credit, "which in these bounds is great, and to use ane led assise agains the compleaner" raised a criminal pursuit against him before the Justice, and he, fearing

Fol. 280, b.

Decreta, March 1631-April 1632. Fol. 280, b.

their local influence, laid the case before his Majesty. The King has thereupon granted to him a remission for the said slaughter (if any be) upon his giving satisfaction to the party, dated at Quhitehall, 14th June 1630. Upon his return to this kingdom the complainer accordingly entered into treaty with the deceased man's kin, but they utterly refuse to accept any offers, and have cited him to appear before the Justice on 16th November instant to answer for the said slaughter. Charge having been given to Jean Craw as relict, Alison Home in Eist Restoun as mother, Robert Craw as brother, Elspit and Jean Craw as sisters, Peter Home in Aittoun, spouse of the said Elspit, and Mr. Alexander Smith, spouse of the said Jean, and the pursuer compearing by Robert Douglas of Blaikester and Mr. Robert Craig, his procurators, but of the defenders only Mr. Alexander Smith and Janet Craw, his spouse, and parties having been heard, the Lords in respect of the foresaid remission ordain the Justice, Justice Clerk, and their deputes to pass from the pursuit of the complainer on this charge. The said Robert Douglas then became cautioner for the pursuer that he will give such assythement and satisfaction to the parties interested as the Lords may determine; and the Lords further ordain that the said Robert Miller shall not resort to the town of Swynewod at any time hereafter without their Lordships' license under such penalties as they may think to impose upon him if he disobey.

with the death of the said Patrick, of which the complainer alleges he is unjustly accused.

Fol. 281, a.

Complaint by John Fyffe in Melgum against the kin of the late George Thom for illegal warding on a charge of his having caused the death of the said George.

Complaint by John Fyffe in Melgum, as follows:—Lately in the month of , George Thom was unhappily slain in a tumult within the bounds of Aldrayne, and his kin and friends, "out of thair precipitat and inordinat affectioun to have that mater avenged, patt violent hands in the compleaners persoun, who had nothing to doe in that mater bot wes onlie standing upon the ground as ane simple spectator, and caried him to the shireff of Aberdein, who at thair desire committed him to waird within the tolbuith of Aberdein, quhair he hes remained sensyne in great miserie now be the space of fyftene weekes." His captors refuse to prosecute him, and intend to wreck and undo him by long imprisonment, though they are "now fullie perswaded by cleere informatioun frome the countrie people that the compleaner is altogidder ignorant of the slaughter." He is but a poor man unable to find caution for his compearance to trial if he were set at liberty, but seeing he is now in prison and ready to abide his trial, if his incarcerators will not prosecute, reason and equity crave that he be liberated. Charge having been given to James Thom, brother of the said deceased George, Barbara Birnie his widow, James Thom his son, and Andrew Birnie her brother, as also to Alexander Forbes of Pitsligo, sheriff of Aberdein, for his interest, and none of them compearing, and the pursuer compearing by Quintin Kennedie, Writer to the Signet, his procurator, the Lords ordain the said sheriff to liberate the pursuer and suffer him to pass wherever he pleases in so far as he is imprisoned on the above charge.

Fol. 281, b.

Holyrood House, 2nd November 1631.

Sederunt—Privy Seal; Wintoun; Linlithgow; Annerdaill; Lauderdaill; Clerk Register; Advocate; Justice Clerk. Acta January 1631-May 1632. Fol. 95, b.

Anent the process of George Foulis and others against David Foulis.

"The Lords of Secreit Counsell ordains the processe persewed at the instance of his Majesteis Advocat, George Foulles and others aganis David Foules and his complices to be delyvered to his Majesteis Advocat to be advised be him how farre may be proceedit be ordour of law aganis the said David and his complices; and ordains his Majesteis said Advocat to report his opinioun thereanent to the saids Lords."

Anent the differences between Alexander, Master of Forbes, and Sir Frederick Hamilton.

"The Lords of Secreit Counsell nominats and appoints Georg [*sic*], Erle of Wintoun; Alexander, Erle of Linlithgow; and Sir George Elphinstoun, Justice Clerk, to call before thame Alexander, Maister of Forbes, and Sir Friderick Hamilton, and to deale and travell for sattling the differences betuix thame." Fol. 96, a.

Charge to the bishops anent their failing to attend the diet of the Commission for Surrenders and Teinds.

"Forsameekle as the secund day of November instant being ane peremptour dyet of the Commissioun for the Surrenders and Teinds, whairunto diverse persons als weill parteis as witnesses wer summound, and they having come heere in this unseasonable tyme of the yeere looking for a speedie dispatche of thair adoes, they have beene frustrat, to thair heavie greefe and charges, be reasoun of the absence of these of the clergie who wer entrusted with this bussines, of whome there wes not one that keeped this dyet, so as this service quhilk his Majestie so earnestlie affects and hes so oft recommendit to his commissioners is lyke to be cassin louse, to his Majesteis offence and trouble of the subjects: Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging Alexander, Bishop of Dunkelden; Adame, Bishop of Dumblane; David, Bishop of Brechin; and Johne, Bishop of Caithnes, to compeir personallie before the Lords of Secreit Counsell upon the twentie twa day of November instant to answere upon thair neglect of the dyet foresaid and to underly suche order as sall be tane for thair attendance in tyme comming, under the pane of rebellioun, etc., with certificatioun to thame and they failyie that not onelie sall letters be direct to denunce thame rebellis and putt thame to the horne, bot with that the saids Lords will concurre and joyne with the subjects in representing to his Majestie of the trew causes of the small progresse of the said commissioun, and fra whome and upon whois default the hinder and delay thairof proceeds."

Holyrood House, 2nd November 1631.

Petition of Dame Katharine M'Dougall, Lady Ochiltree, for permission to visit her husband, now in ward.

"The quhilk day the Lords having heard the petitioun givin in be Dame Katharine M^cDougall, Ladie Uchiltrie, craving that she might have accesse to her husband to conferre with him in audience of one of the bailleis of Edinburgh, and that he might have allowance of a boy to attend him, the Lords in respect his Majestie hes writtin nothing to thame concerning the Lord Uchiltrie and seing the directioun quhilk is come home is onelie to the provest and bailleis of Edinburgh, thairfoir they remitt her and her petitioun to thame." Sederunts, November 1629-January 1635. Fol. 67, a.

Sederunts, November 1629-January 1635. Fol. 67, b.

"Ordains missives to be writtin to the Bishops of Dunkelden, Brechin, Dumblane and Caithnes to attend the commissioun upon the 23 of November." The bishops and the Commission for Surrenders and Teinds.

Acta January 1631-May 1632. Fol. 96, a.

Sederunt—Privy Seal; Wintoun; Linlithgow; Lauderdaill; Clerk Register; Advocate; Justice Clerk. Holyrood House, 3rd November 1631.

"The whilk day the Lords of Secreit Counsell with consent of Alaster Grant of Tulloch continewes the dyet appointed to Johne Grant, appeirand of Ballindalloch, for persute of the said Alaster before his Majesteis Justice untill the last of Januar nixt, the said Johne Grant standing alwayes bound to persew the said Alaster the day foresaid under the panes conteanit in the former act." Alaster Grant.

"The whilk day, Alexander, Maister of Forbes, compeirand personallie before the Lords of Privie Counsell declared that he wes content to stand at and fulfill the conditiouns of the band formerlie givin be him to Sir Friderick Hamiltoun." The Master of Forbes and Sir Frederick Hamilton.

Fol. 96, b.

"The Lords of Secreit Counsell recommends to Sir Williame Seatoun to provide and prescryve orders and injunctions to the postmasters for the sure and speedie dispatche of his Majesteis packet, both anent the saids postmasters thair constant residence at the place of thair charge and keeping of ane register for recept of the packets. And the saids Lords remitts to the said Sir Williame the punishement of Williame Duncane, postmaster of the Cannogait, for his neglect and omissioun in not provyding for the saulfe convoy of his Majesteis packet to Hadintoun; and ordains , postboy, to be committed to waird within the tolbuith of the Cannogait for his oversight and fault in delyverie of his Majesteis packet to a whipman in Mussilburgh to be caried to Mussilburgh to the said Mr Duncans hous, quhereas the said postboy aucht in duetie to have caried the same himselfe to the toun of Hadintoun and to have delyvered it to the postmaister there." Anent the postmsters and the delivery of his Majesty's packet.

Fol. 100, b.

"The whilk day the articles and heids of agreement underwrittin betuix Alexander, Maister of Forbes, and Sir Friderick Hamiltoun, knight, being produced and exhibite before the Lords of Secreit Counsell be George, Erle of Wintoun; Alexander, Erle of Linlithgow; and Johne, Erle of Lauderdaill, who wer nominat and appointed be the saids Lords to deale and travell betuix the saids parteis for sattling of thair differences and by whois mediatioun and travellis the saids articles wer agreed upon and concluded, and the saids articles being read in presence of the saids Lords and in the audience and hearing of the saids Maister of Forbes and Sir Friderick Hamiltoun, they both acquiesced and agreed thereunto, of the quhilks articles the tennour followes:—The heids agreed upon betuix the Maister of Forbes and Sir Friderick Hamilton to be sett doun be way of contract, 3 of November 1631. Item. In the first, the Maister of Forbes gives him full power as coronell to place his haill Agreement between the Master of Forbes and Sir Frederick Hamilton. [Omitted at its proper place in the Register.]

Fol. 101, a.

captans, lieutennents and under officiars of his regiment of twelffe hundreth men. And as for that questioun betuix the Maister of Forbes and Sir Friderick of his regiment whether it sall be under the Maister of Forbes commandement according to his patent or not, they doe both remitt it to the King of Sueden his decisioun. Lykeas the Maister of Forbes sall receave the haill companeis quhilks Sir Friderick hes heere presentlie, sua manie as he hes shipping for, and the other quhilk he hes to send to Dundie, quhilks ar the nomber of twa hundreth men to be delyvered there to the Maister of Forbes. Lykeas the said Sir Friderick sall discharge the Maister of Forbes of his foure hundreth punds of levey moneyes whilk the Maister of Forbes is obleist to pay at his randevous, and the Maister of Forbes to be charged with his victuall, shipping and all. Siclyke there will rest here besides these that ar to be sent to Dundie ane hundreth and fiftie, whiche the Maister of Forbes is to take aff Sir Friderick his hands for the space of fyve dayes, betuix and whiche tyme, if the other twa hundreth men that is to come be the way, the Maister of Forbes sall receave thame within the foresaid ship in the prefixt tyme, otherwayes it is agreed that Sir Friderick sall beare the whole charges of the haill thrie hundreth and fiftie men, shipps, victuall and all for so manie dayes as the Maister of Forbes sall attend the comming of the saids twa hundreth men after the saids fyve dayes be past, the said Master of Forbes having shippes and victuall in readinesse, sua that the Maister of Forbes victualls be preserved untill the tyme that they goe to the sea. As lykewayes he takes burdein for all the ly dayes, shippe and all enduring the foresaid space after the expyring of the fyve dayes aforesaid. *Sic subscribitur*, A. Forbes, Fred. Hamilton; Wintoun, witnes; Linlithgow, witnes; Lauderdaill, witnes."

Acta January 1631-May 1632. Fol. 101, a.

[Sederunt as recorded above.]

Holyrood House, 3rd November 1631.

Decreta, March 1631-April 1632. Fol. 282, a.

Suspension of horning against Uchtred M'Dougall of Mondurke as he has given satisfaction to William Trotter. See *ante*, p. 271.

Complaint by Uthrid M^cDougall of Mondurke, as follows:—He is informed that he has been put to the horn at the instance of William Trotter in Blaikeburne for failing to pay to him the sum of 400 merks which was imposed upon him as a fine for wounding the said William with a hagbut and for not finding caution to satisfy the surgeon who cured him. He has now paid the said sum with the 50 merks additional granted to the said William for expenses, and also satisfied him for the surgeon's cure, as a discharge subscribed by the said William on 3d August last testifies, and he therefore craves relaxation from the horning. Fol. 282, b. Pursuer compearing personally and producing the discharge and the said William Trotter appearing by Mr. George Trotter, his procurator, the Lords suspend the horning aforesaid, but only in so far as it concerns the said William Trotter.

Acta January 1631-May 1632. Fol. 96, b.

Sederunt—Privy Seal; Lauderdaill; Lord Gordoun; Master of Elphinstoun; Sir Archibald Acheson; Clerk Register; Advocate; Justice Clerk; Sir James Baillie. Holyrood House, 8th November 1631.

"The Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants warrand and commissioun to Colonell Baillie to receave the mustours of suche companeis belonging to Sir Friderick Hamiltoun as ar not as yitt delyvered to the Maister of Forbes, and to make ane record and roll of the nomber of men, to the effect the same may be givin to the said Maister of Forbes." Commission to Colonel Baillie for mustering the companies of Sir Frederick Hamilton.

Decreta, March 1631-April 1632. Fol. 282, b.

[Sederunt as recorded above.] Holyrood House, 8th November 1631.

Supplication by James Wylie, merchant burgess of Edinburgh, as follows:—A few merchants in the said burgh are pressing him for payment of their petty claims against him, which are chiefly for wines, and he is very willing, and likewise able to pay them if he had but liberty freely to go about in the country to recover debts due to himself. He therefore craves their Lordships' protection for this effect, and this they grant to him until 1st March next. Supplication by James Wylie, merchant burgess of Edinburgh, for protection that he may satisfy his creditors.

Sederunts, November 1629-January 1635. Fol. 68, a.

"Ane act discharging the course of English farthings within this kingdome." English farthings.

Acta January 1631-May 1632. Fol. 96, b.

Sederunt—Chancellor; Privy Seal; Perth; Lauderdaill; Lord Gordoun; Lord Melvill; Master of Elphinstoun; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot. Holyrood House, 10th November 1631.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is ane great quantitie of base copper coyne, callit farthing tokins, broght within this kingdome especiallie within the bounds of the Middle shires thairof, where the same hes ane uncontrolled course at the appetite of the receaver and delyverer at farre higher pryces nor his Majesteis owne coyne, to the disgrace of this kingdome and to the hurt of his Majesteis subjects who ar abused and wronged by thair ignorance of the trew worth and pryces of the saids farthing tokins; and the saids Lords being carefull to obviat and prevent the forder grouth and incomming of thir farthing tokins and to provide and foresee that the forder course of thame within this kingdome may be restrained and discharged, thairfoir the saids Lords, after verie good advise and deliberatioun, hes thought meit and expedient, concluded and ordained that there sall be ane restraint of importatioun of anie of thir farthing tokins be sea or land within this kingdome at anie tyme heerafter, and lykewayes that the course thairof within the kingdome sall be prohibite and discharged. And for this effect ordains letters to be direct to command, charge and inhibite all and sindrie persons of whatsomever ranke or qualitie, als Proclamation forbidding the importation of farthing tokens.

Fol. 97, a.

weill natives as strangers, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that nane of thame presoome nor take upon hand at anie tyme after the publicatioun heirof to bring within this kingdome be sea or land anie of the saids farthing tokins under whatsomever cullour or pretext, under the pane of confiscatioun of the same to his Majesteis use, besides the forder punishement of the imbringers thairof in thair persons and goods at the arbitrement of his Majesteis Counsell: And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to receave anie of the saids farthing tokins in payment, wissilling or otherwayes, under the panes particularlie abonewrittin, certifeing thame that failleis or sall doe in the contrare heirof that the saids panes sall be execute upon thame without favour: And siclyke to command and charge all and sindrie magistrats to burgh and land that they and everie ane of thame within thair severall bounds, offices and jurisdictiouns have ane speciall care to see this act and ordinance observed and keeped, as they will answere to his Majestie and the saids Lords upon the dewtifull discharge of thair offices." Acta January 1631-May 1632. Fol. 97, a.

Act decreeing an allowance to be granted for the maintenance of Lord Ochiltree, now in the Tolbooth of Edinburgh, and license to his wife to have access to the said Lord in presence of the Secretary and Sir John Scott.

"Anent the supplicatioun presentit to the Lords of Secreit Counsell be Dame Katharine M^cDougall, spous to the Lord Uchiltrie, makand mentioun, that where she hes diverse tymes petitiouned the saids Lords that she might have warrand and libertie to conferre and speeke with her husband in the presence and hearing of one of the bailleis of Edinburgh or keeper of the tolbuith thairof[1] seing thir foure yeeres bygane she hes not had the occasioun to conferre with him, and now thair is ane urgent necessitie moving her thairto be reasoun of the disease and sickenesse whairwith at the pleasure of God her husband is now visite, and forder the small allowance that wes givin unto him (be whome she knowes not) for his interteanement is discharged and he hes not ane pennie of his owne to supplee that want, and she is als unable to make him anie support, being pinched and straited with the like necessitie; humbelie desyring thairfoir the saids Lords to give command to the provest and bailleis of Edinburgh to grant unto the said supplicant accesse within the said tolbuith and libertie to conferre with her said husband in the presence and hearing of one or other of thame or the keeper of the tolbuith; and lykewayes that the saids Lords would be pleased to modifie some daylie allowance for her husbands interteanement and to make him sure how and be whome it sall be payed, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and consideritt be the saids Lords, and they considering that it is farre aganis his Majesteis royall heart and intentioun that the said Lord Uchiltrie, being his Majesteis prisouner and not having meanes of his owne to Fol. 97, b.

[1] Ochiltree was now awaiting his trial for the charge of conspiracy which he had brought against the Marquis of Hamilton and others.—See *ante*, p. 263.

Acta January 1631-May 1632. Fol. 97, b.

interteane himselfe, sall want maintenance or interteanement, thairfoir the saids Lords hes modified and allowed and be the tennour heirof modifeis and allowes to the said Lord Uchiltrie for his interteanement and for interteaning the boy that attends him the soume of fyve merkes in the day; and siclyke the saids Lords hes modified and allowed and be the tennour heirof modifeis and allowes to Androw Quhyte, jaylour and keeper of the tolbuith, the soume of threttene shillings foure penneis daylie for the said lord his jaylour fee; quhilks soumes the saids Lords ordains to be payed weekelie to the saids Lords Uchiltrie and Androw Quhyte be his Majesteis Thesaurar, Deputie Thesaurar and Receavers of his Majesteis Rents, and to advance the same weekelie, beginnand the first weekes payment thairof the morne the elevint of the moneth of November instant. And siclyke the saids Lords ordains and commands his Majesteis said Thesaurar, Deputie Thesaurar and Receavers of his Majesteis Rents to satisfie the provest and bailleis of Edinburgh for thair bypast furnishing made to the said Lord Uchiltrie. And siclyke the saids Lords allowes the said supplicant to have accesse to speeke with her said husband anent her awne privat effaires the morne at ten of the clocke in the forenoone in the presence of Sir Archibald Achesone, his Majesteis Secretarie and Sir Johne Scot, quhereanent thir presents sall be unto his Majesteis Thesaurar, Depute Thesaurar and Receavers and to the saids provest and bailleis of Edinburgh ane warrand."

Fol. 98, a.

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, produced before the Lords of Privie Counsell the draught of the chartour and commissioun to be signed be his Majestie anent the Associatioun for the fishing; quhilk being read and considderit be the saids Lords the same wes allowed be thame." Charter anent the fishing.

"The whilk day James Chalmers of Gatgirth, compeirand personallie before the Lords of Privie Counsell, accepted upon him the office of shirefship of Air and gaif his oath for faithfull administratioun thairof." The sheriffship of Ayr.

Decreta, March 1631-April 1632. Fol. 283, a.

[Sederunt as recorded above.]

Holyrood House, 10th November 1631.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Leith of Harthill, and William Areskine of Tocher, parties grieved, as follows:—Though the bearing of hagbuts and pistols, convocation of the lieges, and directing of cartals and challenges to single combat have been often prohibited, yet on 27th July last Adam Abircrombie of Aldrayne, Alexander Abircrombie of Birkinbog, Alexander Leith of Newrayne, George Gordoun of Geicht, John Gordoun of Ardlogie, Hector Abircrombie of Fetterneir, John Leslie, younger of Pitcaple, Alexander Leslie in Elrick called the Caputian, William Urquhart, servitor to Birkinbog, Peter Gregour in Achip, John Ker in Aldrayne, George Mathesoun there, Robert Dempster in Logyaltoun, George Gordoun sometime of Pittindreich, and others with them to the number of about eight score persons, armed

Complaint by John Leith of Harthill and William Erskine of Tocher against Adam Abercromby of Auldrayne and others for carrying prohibited weapons and for assault.

Fol. 283, b.

with "gunnes, pistolls, jackes, buffill and mailyie coats, steilbonnets," and other invasive weapons, came to the Kirktoun of Rayne, where the said John Leith of Harthill was in the minister's house, for the purpose of taking his life, and they would have done so "if some noble weomen and ladeis had not interceedit at thair hands to spare him at that tyme." Also within two days thereafter these persons hounded out the said Alexander Leith to take his life, who set upon the said John Leith upon the highway beside , who being bound up to his Majesty's peace had no weapons upon him but a staff in his hand, and riding about him "with bendit pistolets" threatened "to fell him lyke a dog." Then before the said complainer could light off his horse his assailant struck at him many times with a drawn sword and "gave him ane cruell wound thairwith in his knee to the great effusioun of his blood." Moreover, on 11th September last the said Alexander and Adam Abircrombie, Alexander Leith, Alexander Leslie called the Caputian, Hector Abircrombie of Fetterneir, Robert Dempster of Logyaltoun, William Dempster in Drumleith, George Gordoun sometime of Pittindreich, John Ker in Aldrayne, William Mayne there, and John Leslie, apparent of Kincragie, with others to the number of persons, armed as aforesaid, and with two captains at the head of their companies, "with bendit gunnes and pistolets in thair hands," came to the complainers' parish kirk and threatened "if the compleaners durst be seene in thair deskes to cutt thame in peeces and to banishe thame all out of the Garioch, so as the said Laird of Harthill wes forced to flee to the Kirk of the Insche for saulfetie of his lyfe. And the said Williame Areskine having come to the kirk upon ane promise of freindship made to him be the said Alexander Abircrombie upon Thursday before, they had not failed to have slane him if M^r^ Andro Logie, minister, had not locked the kirk doores and wes constrained to baptize ane barne without the kirk." Further the said persons on "having assembled to thameselffes great nombers of rebellis for murther, slaughter and excommunicatioun in the young Laird of Pitcaples hous they have there solemnelie sworne upon the gairds of thair swords never to take rest till they opin the compleaners upon the backes. And now laitlie the saids Adame Abircrombie, Alexander Leith and Alexander Leslie callit the Caputian, rancountering the said Johne Leith, they cryed to him diverse tymes in disdainefull maner, Gup Sir, Gup Sir, and send James Leslie of Auquhorsk with ane challenge to him showing that the said Adame would fight him upon this querrell that he had a dossoun of tymes bevvelled him in Legatsden bot would not fight him that he had adultered his fathers bed. Quhilks insolenceis ar most offensive to God and disgracefull to his Majesteis governement." The pursuers compearing personally, and of the defenders Alexander Abircrombie of Birkinboig, John Leslie, apparent of Kincragie, John Leslie of Pitcaple, Hector Abircrombie of Fetterneir, Adam Abircrombie of Aldrayne (who also undertook to answer for John Ker and

Decreta, March 1631-April 1632. Fol. 283, b.

Fol. 284, a.

Decreta, March 1631-April 1632. Fol. 284, a.

Fol. 284, b.

William Mayne), Alexander Leith of Newrayne and George Mathesoun in Aldrayne, the defenders produced a letter subscribed by the said John Leith and Adam Abircrombie bearing that each discharged the other of all action competent to either of them against the other and their respective complices for the pretended convocation on 27th and 28th July last. In respect of this letter the Lords grant no process upon this part of the complaint; but with regard to the subsequent charges, the Lords having heard parties and their witnesses find that the said Alexander Leith invaded his brother, John Leith, and hurt him on the knee, and ordain him to be imprisoned in the tolbooth of Edinburgh until he be released; but they assoilzie the said Alexander, Adam and Hector Abircrombie, John Leslie, Robert and William Dempster, Peter Gregour, George Gordoun, and John Ker, against whom the pursuers' witnesses failed to prove any part of the complaint.

Fol. 285, a.

Complaint by John Reid at the Mill of Tillifoure and Sir Alexander Gordoun of Cluny, knight, his master, for his interest, as follows:—On last, when the said John was coming from Inneroure to Tillifoure, John Leslie of Artannes came to him on the highway and commanded him to go out of his bounds. He modestly answered "that he wes going in the hie way als fast furth of his bounds as he could," whereupon for this simple cause the said John Leslie "ranne backe to his hous, brought furth ane great rung, followed the poore man be the space of halfe ane myle so as he wes forced to flee through the Water of Donn into the heid of ane deepe pott to the hazard of drowning; and thereafter the said Johne went up a burne and hid himselfe till the compleaner sould come backe to the hie way, quhilk after a long space he did, believing that the said Johne Leslie had gone home; bot how soone he espyed the compleaner come over the water agane he rose up and with all his speed made to the gate before him, so as the compleaner wes constrained to lurke among the corne, bot wes unhappilie discovered be the barking of a dog who followed him. Quhairupon the said Johne having gottin the compleaner he ranne upon him furiouslie, and notwithstanding that he oft tymes besought him for Christs sake to have mercie upon him yitt he verie unmercifullie gave him ane cruell straike athort the stomache with the rung and felde him to the ground and then tooke the compleaners owne stalffe and thairwith verie pittiefullie birsed and bruised his haill bodie with bauche, blae and bloodie straikes untill he brake the stalffe in peeces upon him, and than he tooke the poore man's whinger frome him and caried the same away with him, leaving the poore man dead upon the ground." Both pursuers and defender compearing and probation in the matter being referred to the defender's oath of verity, he, being sworn, confessed that "being provoked be the said Johne Reid with manie disgracefull and ignominious speeches he strake the said Johne with ane gad, whairupon the said Johne invadit the defender with ane drawin whinger whilk he tooke

Complaint by John Reid at the Mill of Tillifour against John Leslie of Artannes for assault.

Fol. 285, b.

frome him." The Lords therefore assoilzie him, but ordain both parties to find lawsurety towards each other, John Leslie in 300 merks and John Reid in 100 merks. Decreta, March 1631-April 1632. Fol. 285, b.

Caution for John Leslie that he will not molest John Reid.

Act of caution by John Leslie, younger of Pitcaple, in 300 merks that John Leslie of Artannes will not molest John Reid, servitor to the Laird of Cluny, in any way, otherwise than by course of law.

Caution for John Reid that he will not molest John Leslie.

Act of caution by Sir Alexander Gordoun of Cluny in 100 merks for John Reid, his servant, not to molest John Leslie of Artannes, nor his family or belongings. Fol. 286, a.

Supplication by Sir John Scot of Newburgh for protection that he may attend to certain legal business.

Supplication by Sir John Scot of Newburgh, as follows:—In the matters contentiously disputed between him and Andrew Scot before the Lords of Council and Session, at their last meetings the Lords of Ridhous and Balmanno were appointed to examine the accounts and bring the same to an end. They have taken much pains therewith and are now ready to report, and as the supplicant should be present to assist with such information and resolution as may be necessary on any questions or doubts which may arise, and his former protection has expired, he craves a new warrant. Charge having been given to the said Andrew Scot, and he compearing by John Scot, his son, and the supplicant by Mr. Robert Burnet, his procurator, the Lords grant him their protection until 7th January next.

Supplication by Sir Hew Wallace of Craigie and his cautioners for continuance of protection to the said Sir Hew.

Supplication by Sir Hew Wallace of Craigie, knight baronet, and William Wallace of Ellerslie, William Wallace of Preistickshaw, Robert Wallace of Barnweill, Robert Wallace of Brighous, John Tait of Adamehill, Mr. John Hamiltoun, minister at Cragie, Andrew Crawfurd of Drings, Mr. John Chalmers of Poquharne, Paul Glover of Trinitieland, John Wallace of Sheillis and James Wallace of , all cautioners for the said Sir Hew to David Cuninghame, his Majesty's servitor, Nicol Edward, Robert Smith and William Cuninghame of Drongin, as follows:—The protection granted to the said Sir Hew and his said cautioners for their safely going about the country and attending his Majesty's Exchequer for receiving payment of £20,000 for his surrender expires on the 14th instant, and the Exchequer has as yet taken no course for his satisfaction. They therefore crave a continuation of their protection, and this the Lords grant till Candlemas next. Fol. 286, b.

Similar supplication by George Lauder of Bass and his mother.

Supplication by George Lawder of Bas and Isobel Hepburne, his mother, as follows:—Their protection expires upon the 14th instant, and they have now settled with James Livingstoun, their principal creditor, and are willing to agree with the others if their Lordships will renew their warrant for a certain space. The Lords continue their protection till 8th December next, provided the supplicants produce their evidents to James Livingstoun and his advocates before 1st December next. Fol. 287, a.

Similar supplication by Andrew

Supplication by Andrew Dicksoun, master shipwright to his Majesty, as follows:—He is very hardly threatened by his creditors with hornings

Decreta, March 1631-April 1632. Fol. 287, a.

and captions, and he could well meet their claims if he could only have payment of his disbursements in his Majesty's service, for which he has often petitioned their Lordships and received their warrants to his Majesty's treasurers, but as yet he has received no payment. He therefore craves their Lordships' protection, so that his person may be secure in attending to his business. The Lords grant him till 1st March next.

Dickson, master shipwright to his Majesty.

Fol. 287, b.

"The lyke protectioun past to Sir Williame Dowglas of Cashogill for dealing with his creditours till the last of Januarie nixt."

Protection to Sir William Douglas of Cashogill.

"Another protectioun of the same nature past to Johne Lands, merchant burgess of Edinburgh, till the twentie fyft of November instant."

Protection to John Lands.

Sederunts, November 1629-January 1635. Fol. 68, a.

"The Lords ordains missives to be direct to the bishops for furthering the imbringing of the contributioun collected within thair dioceis towards the releefe of the distrest ministers of the Palatinat."

The contribution to the Palatinate ministers.

"The Lords ordains Mr William Struthers to agree with some responsall merchants for transmitting be exchange suche soumes as ar collected and brought in towards the releefe of the saids distressed ministers."

Anent the same.

"Charges aganis Johne Henrie, skipper in Prestounpanns, and Friderick Cocke in Pittinweme, to compeir the morne in the Exchecker hous to underly suche order as sall be enjoyned to thame for conduceing of thair shippes for the transport of the Maister of Forbes companie."

The company of the Master of Forbes.

Acta January 1631-May 1632. Fol. 98, a.

Sederunt—Chancellor; Privy Seal; Wintoun; Perthe; Lauderdaill; Secretary; Advocate; Sir John Scot.

Holyrood House, 15th November 1631.

"Forsameekle as collectioun being made within some few parishes of this kingdome of certane moneyes freelie and willinglie contributed be the subjects towards the releefe of the distrest ministers of the Palatinat, and the saids moneyes be warrand and directioun frome the Lords of Secreit Counsell being delyvered to George Suttie and Williame Gray, merchants burgesses of Edinburgh, to have beene sent be thame by exchange to Norenberg in Germanie, where the saids distrest ministers with thair poore famileis now resides, the saids George Suttie and Williame Gray hes not had nor cannot have the occasioun for the delyverie of thir moneyes by exchange so speedilie and hastilie as the urgent necessitie of these distrest people requires. And whereas Williame Dick, baillie and burges of Edinburgh, out of his trew and tender respect of the distresses of thir poore people hes undertane, to his losse and hurt, to make this exchange for three of the hundreth, and the saids Lords finding no saulfer way for delyverie of thir moneyes nor by the overture and course willinglie undertane by the said Williame Dick, as said is, thairfoir the saids Lords ordains and commands the saids George Suttie and Williame Gray to delyver to the said Williame

Anent the conveyance of the money collected for the relief of the Palatinate ministers.

Dick upon his acquittance the sowme of ane thowsand punds sterline togidder with threttie punds sterline for exchange thairof out of the moneyes contributed and collected for this earand and delyvered to thame to the intent the said Williame Dick may with convenient diligence caus pay and delyver the saids moneyes to Philip Burlimakie, and in his absence to Monsieur Callendrime, merchants bankiers, resident at Londoun, to be sent be thame to the saids distrest ministers as ane present supplee and helpe till the rest of the collectioun throughout the severall parishes of this kingdome be imbrought and delyvered. And ordains the said Williame Dick to report to the saids Lords ane certificat of the exchange and delyverie of the saids moneyes to the saids Philip Burlimakie or Monsieur Callendrime with all convenient and possible opportunitie and diligence." Acta January 1631-May 1632. Fol. 98, a.

Warrant to the Lady Ochiltree and her children to visit her husband. See *ante*, p. 352.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Dame Katharine McDougall, spous to the Lord Uchiltrie, makand mentioun that where the Erle of Cassillis, her sone, now in her distresse hes provydit ane loodging and maintenance for her and her poore childrein in Carrick, and for that effect he hes sent for thame to make thair addresse thither with diligence, and seing it is lykelie that nather she nor anie of her childrein sall ever see her husband if at this tyme they be not permitted before thair departure to have accesse unto him to the effect she may doe her last dewtie to her said husband and his poore childrein may gett his blessing, as the onlie portioun they ar to looke for at his hand, humbelie desyring thairfoir the saids Lords to grant warrand to the keeper of the tolbuith of Edinburgh in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they advised thairwith, the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants thair warrand to the keeper of the said tolbuith to grant accesse and conference to the supplicant and her said childrein with her said husband in the presence and hearing of Sir Archibald Achesone, Secretarie, and Sir Johne Scot of Scottistarvet." Fol. 98, b.

Anent the valuation of the rentals of the Earldom of Bothwell and the Abbey of Kelso, with a view to apportioning a part of the said rentals to the son of the late Earl of Bothwell. See *ante*, p. 341.

"Forsameekle as the Lords of Secreit Counsell by ane act and ordinance bearing date at Perth the twentie ane day of September last, having appointed the fyftene of this instant to Robert, Erle of Roxburgh; Walter, Erle of Bugcleuche; and Francis Steuart, sonne to the lait Erle of Bothuell, for productioun before the saids Lords of the trew rentallis of the lands of the erledome of Bothuell and abbacie of Kelso, to the intent that his Majestie, being certified frome the Counsell of the trew worth of the same, might thereafter proceed in maner and to the effect conteanit in the letter direct to the saids Lords concerning that purpose. According whairunto the saids parteis being callit and the said Francis Steuart compeirand personallie, and the saids Erles of Roxburgh and Bugcleuche being oft tymes callit and not compeirand,

Acta January 1631-May 1632. Fol. 98, b.

the said Francis Steuart produced before the saids Lords the rentall of the erledome of Bothuell and Abbacie of Kelso, and craved a short day for proving of the same. With the quhilk desire of the said Francis togidder with the absence of the saids Erles of Roxburgh and Bugcleuche, parteis interessed, and who at this tyme ar furth of the countrie, the saids Lords being weill advised, the Lords of Secreit Counsell hes assigned and be the tennour heirof assignes to the said Francis Steuart the nynteene day of Januarie nixtocome for proving of the rentall foresaid produced be him, and for that effect ordains letters to be direct at the instance of the said Francis for summounding of such persons as he will

Fol. 99, a.

use as witnesses in this mater to compeir before the saids Lords the said nyneteene day of Januarie nixtocome to depone in sua far as they know or sall be speirit at thame in the said mater, under the pane of rebellioun, etc., with certificatioun, etc.; as alsua for summounding the saids Erles of Roxburgh and Bugcleuche be opin proclamatioun at the mercat croce of Edinburgh, peir and shoare of Leith, upon threescore dayes, in regarde they ar presentlie furth of the kingdome, to compeir before the saids Lords the said nynetene day of Januarie nixt to heare and see the persouns to be produced be the said Francis Steuart receaved, sworne and admitted as witnesses in the said mater, with intimatioun as effeiris. Provyding alwayes, lykeas it is heirby declared that if it sall happin the Erles of Roxburgh and Bugcleuche or either of thame to returne within this kingdome before the said nynetene day of Januarie nixt in that caise it sall be lawfull to the said Francis Steuart to summound the partie or parteis so returning as alsua the witnesses whome he will use aganis thame to a shorter day upon a lawfull citatioun of ten dayes warning."

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 287, b.

Holyrood House, 15th November 1631. Complaint by Adam Abercromby of Aldrayne and Alexander Abercromby of Birkinbog against John Leith of Harthill for carrying prohibited weapons, for debarring the said Adam from his seat in church, and for threatening the lives of both of the complainers.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, Adam Abircrombie of Aldrayne, and Alexander Abircrombie of Birkinbog, as follows:—The bearing of hagbuts and pistols, and convocation of the lieges in arms has been often forbidden by the laws, yet on 4th September last, "being Sunday, the said Adam Abircrombie having come to the kirk of Aldrayne, quhilk is his ordinarie parish kirk, and preassing to sit doun in his proper desk there, where John Leith of Harthill wes sitting he desired the said John to sitt up and to suffer the compleaner to sitt beside him, quhairunto he verie proudlie answered in the hearing of the haill people that he sould have no seate there and did quhat in him lay to stirre up the compleaner to enter in ane quarrell with him

Fol. 288, a.

in the kirk, quhilk he Christianelie forboore, out of ane respect to his Majesteis lawes and discipline of the Kirk." Further, on the 11th of the same month William Areskine in Tocher, Alexander Areskine in Dorlethin, M[r] Alexander Strauchine, John Leith of Newlands, George

Leith, his brother, and George Scot in Aldharthill, with others and convocation of the lieges to the number of persons, armed with swords, staves and other weapons and the prohibited hagbuts and pistolets, came to the said Alexander Abircrombie's seat in the said kirk, "placed themselffes violentlie therein of purpose to have debarred him therefra, so as he wes forced for eshewing of trouble in the kirk to stay in the hous of Patrik Leith, and sent to the said Williame to inquire of him why he thus debarred him frome his owne seate; who returned him this answer that he sould dee before the said Alexander gott roume there. And thereafter he went to the kirk where he and his complices walked up and doun in the view of the haill people in a swaggering and insolent maner, bragging that he would try the mater with the compleaner hand to neiff and if he refuised he appealed his eldest sone or anie Abircrombie in Scotland and desired him to sett a day when he would keepe the best part of the kirkyaird aganis the compleaner and all that would take his part in Scotland; quhairby the minister wes forced to forbeare all divine service and to dismisse the people that day." Moreover, on the Tuesday thereafter, the said William Areskine, accompanied and armed as above, came to the said Alexander's dwelling house of Westhall and lay about it a long time, "crying aloud in contempt and derisioun, 'Where is the Laird? Darre he now be seene?' callit upon one of the compleaners servants, commanding him to tell him that at the nixt meeting he sould try his courage in another maner, with a great nomber of the lyke irritating and provoking speeches." And now recently, upon 13th September last, when in walking peaceably beside the Water of Don the said Adam and Alexander Abircrombie accidentally fell in with the said John Leith of Harthill, John Leith of Newlands and George Scot, who were then in company with the Bishop of the Yles, no sooner did the said John Leith perceive the complainers than he called for his guns for the purpose of shooting them. Charge having been given to the said John Leith of Harthill, William and Alexander Areskine, Mr. Alexander Strauchane, George Scot, John Leith of Newlands, and George Leith his brother, of whom only John Leith of Harthill and William Areskine compeared, and the pursuers being personally present, and parties having been heard, the Lords assoilzie the said William Areskine from the whole points of this complaint, because the pursuers having referred the proof of the same to the oath of verity of the said William, he being sworn, denied that it was true. [Nothing is said about the remanent defenders.]

Decreta, March 1631-April 1632. Fol. 288, a.

Fol. 288, b.

Anent the transport of the company raised by the Master of Forbes for service under the King of Sweden.

Complaint by Alexander, Master of Forbes, as follows:—Their Lordships know "what service he hes undertane under the King of Sweden for discharge quhairof he hes to his great and extraordinarie charges sent away to Trailsound auchtene hundreth men in forrane shippes for the most part, the countrie people not onelie being extraordinarie in his [*sic*] pryces bot also refuising to transport his men. And there being now

Decreta, March 1631-April 1632. Fol. 288, b.

latelie certane companeis of men come frome Ireland to the compleaner lying about and in the touns of Edinburgh and Leith to his great charges and expenses, he hes dealt with sindrie skippers and maisters of shippes to transport the saids companeis and hes offered to thame

Fol. 289, a.

double frauchts, bot they altogidder refuise this service, so as thereby the compleaner will be forced to disband thir companeis, who being ane nomber of poore creatures will not faile to fall out in diverse stouthreaffes and thifts to the great oppressioun of the countrie." Charge having been given to James Hendersoun, skipper in Prestoun, and Friderick Cooke in Pittinweem, who both compeared, and the pursuer appearing by Captain John Forbes, his procurator, the Lords, after hearing parties, "considering that this is a peece of service quhilk cheeflie concernes his Majestie both in honnour and state, the disappointing whairof will tend verie farre to his Majesteis offence and displeasure," ordain the parties to meet to-morrow at eight o'clock in the forenoon with William Dick, bailie, burgess of Edinburgh, "to the intent he may travell betuix thame for sattling of thair differenceis anent the conditions of thair imployment in this service." And if they cannot then come to an agreement, the Lords command the provost and bailies of Edinburgh to send "some sufficient and honest men to take tryell of the saids defenders thair shippes and how and upon what conditions they may serve and undergoe this service, and accordinglie to caus thame embrace the service upon suche reasonable conditions as they sall prescryve and sett doun; or otherwayes to caus arreist their shippes quhairthrow they depairt not for anie other imployment." And the defenders enacted themselves, each in £2000, to appear before the Lords on Thursday next, the 17th instant, in the event of their not coming to an agreement and hear their Lordships' further pleasure in this matter.

Fol. 289, b.

Complaint by Mr. John Patersoun, parson of Aldhamstockes, as follows:—He is lawfully provided to the benefice of Aldhamstockes and the parsonage and vicarage teinds of the same, in virtue whereof he (as all his predecessors were) is in possession of the teind fish of the parish of Colbrandspeth (which is a pendicle of the kirk of Aldhamestockes) "by leading, teinding and drawing of the haill teind fishes, great and small, of all fishes and all boats within the said parish;" and his possession thereof has never been questioned until that, lately, Mr. James Nicolsoun of Colbrandspeth pretending right thereto, and disdaining to prosecute his pretended claim in a lawful way, is resolved by way of "deid, bangsterie and oppressioun to debarre and seclude the compleaner frome the saids teind fishes and to appropriat the same to himselfe. And for this effect he verie imperiouslie discharges the fishers to pay to the compleaner any teind fishe, and if they refuise, he at his awne hand without warrand or commissioun exacts and extorts frome everie boat the soume of sax shillings aucht penneis, quhairby manie of the fishers seeke unto others harbereis and landing parts." Recently on the com-

Complaint by Mr. John Paterson, parson of Oldhamstocks, against Mr. James Nicolson of Cockburnspath for debarring the complainer from the teind fish of the parish of Cockburnspath. The case is referred to the Lords of Council and Session as the proper tribunal.

plainer's servants having laden some horses with the teind herring of the said parish, the said Mr. James Nicolsoun, accompanied by his tenants and servants, came to them and exacted customs for the said teind herring, which they were never in use to pay, threatening in case of refusal to throw the herring to the ground, and the poor men for fear of their violence were forced to give them double custome for the same. Charge having been given to the said Mr. James Nicolson, and both pursuer and defender appearing and having been heard, the Lords remit the trial of their cause to the Lords of Counsell and Session as the proper tribunal in such a matter. Decreta, March 1631-April 1632. Fol. 290, a.

Complaint by John Leslie, younger of Pitcaple, that he is unjustly held responsible for the maintenance of John Meldrum, now a prisoner in the tolbooth on the charge of burning the Tower of Frendraught.

Complaint by John Leslie, younger of Pitcaple, as follows:—Their Lordships know that John Meldrum, sometime in Badinscoth, having compeared before them for trial on the charge of burning the tower of Fendraucht, was committed to ward in the tolbooth of Edinburgh in November 1630, and has since remained in that imprisonment upon the complainer's heavy charges. The prisoner has no means of his own, and it is only right that those who insist on his remaining in prison should maintain him there and that the complainer be relieved. Charge having been given to James Crichtoun of Fendraucht and Mr. James Ferquharsoun, agent for the Marquis of Huntlie and Lord Gordoun, the pursuer compeared personally, also the said Mr. James Ferquharsoun, and Mr. James Baird, as procurator for the Laird of Fendraucht, who declared that he would not insist against the said John Meldrum and should not therefore be burdened with his maintenance. Mr. James Ferquharsoun, however, on behalf of his clients, desired that all parties interested in the case should be called; whereupon the Lords free and relieve the pursuer of all further maintenance of the said John Meldrum during his remaining in ward on the above charge, and ordain the Marquis of Huntlie and the Earl of Erroll to be cited to hear them ordained to support the said John Meldrum in ward from this date. Fol. 290, b.

Supplication for protection by Robert Craw of East Reston.

Supplication by Robert Craw of East Restoun as follows:—Their Lordships having assumed the modifying and determination of the assithement to be paid by Robert Miller, sometime in Swynewod, for the slaughter of the supplicant's brother, he has come to town to insist before their Lordships in this matter, but he is under the danger of some hornings for cautionries and small debts which the said Robert intends to use for preventing him pursuing in this matter, and he therefore craves their Lordships' protection during his attendance on the case. The Lords grant him this until 19th November instant.

Anent a ship of Lübeck.

"A letter frome the Counsell of Lubeck tuicheing a shippe of that toun unlawfullie takin be Sir William Alexander and decerned pryze. Ordains all parteis having interesse to be called." Sederunts, November 1629-January 1635. Fol. 68, b.

Holyrood House, 17th November 1631.

Sederunt—Chancellor; Privy Seal; Perth; Tracquair; Secretary; Clerk Register; Advocate; Sir John Scot; Sir James Baillie. Acta January 1631-May 1632. Fol. 99, a.

Acta January 1631-May 1632. Fol. 99, a.

" Forsameekle as there hes beene diverse Acts of Parliament made be the Kings Majestie his darrest father of eternall memorie anent the religious educatioun of noblemens childrein, lykeas the Kings Majestie himselfe hes by diverse letters writtin to his Privie Counsell recommendit the same to thame; and whereas Robert, Erle of Nithisdaill, is vehementlie suspected in his religioun, and that the remaining of , Lord Maxuell, his sone, in his companie may prove verie dangerous to the youth, and now in his tender yeeres infect and poysoun him with opinions whairfra it will be difficill thereafter to reclame him, thairfoir the saids Lords ordains letters to be direct charging the said Erle of Nithisdaill to bring, present and exhibite his said sonne before the Lords of Privie Counsell upon the day of , to the intent order and directioun may be givin for his breiding and educatioun in the trew religioun presentlie profest within this kingdome, under the pane of rebellioun, etc., with certificatioun, etc."

Charge to Robert, Earl of Nithsdale, to present his son, Lord Maxwell, before the Council that order may be taken for his being educated in the true religion.

" Forsameekle as Andro Andersone, ane bussie and trafiquing Papist, is apprehendit and lying in the pledge-chamber of Dumfreis and sindrie suspect letters have beene gottin upon him, quhairfoir necessar it is that he be exhibite before his Majesteis Counsell to be examined and order to be tane with him accordinglie; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the provest and bailleis of Dumfreis to delyver the said Andro Andersone to the Sheriff of Dumfreis within sax houres after the charge, under the pane of rebellioun, etc.; and siclyke charging the Shireff to receave the said Andro frome the saids provest and bailleis and to bring and exhibite him before the saids Lords upon the day of , to the effect abonewrittin, under the pane of rebellioun, etc., with certificatioun, etc."

Fol. 99, b.

Andrew Anderson, Papist, to be brought from Dumfries and presented before the Council.

" Anent the supplicatioun presented to the Lords of Secreit Counsell be the haill advocats, clerkes of Sessioun and Exchecker, Writters to the Signet, Privie and Great Seales and others members of the Colledge of Justice, makand mentioun that where in the Parliament haldin be our Soverane Lords darrest father of eternall memorie in the moneth of August j^{m}vj^{c} twentie ane yeeres, at the granting of the taxatioun to his Majestie be the Estaits of this kingdome, the saids supplicants of thair owne consents voluntarlie offered and did accordinglie thereto pay of the said taxatioun to his Majesteis Collectour Generall the soume of ten thowsand merkes money, upon this speciall provisioun that thair said voluntar offer sould not prejudge nor impaire thair liberteis, priviledges and immuniteis in tyme thereafter, whilk wes accepted, and the Estats of Parliament be thair act made anent the said taxatioun declared that the supplicants said offer sould nowayes derogat to thair priviledges and immuniteis, bot that the same sould be keeped and observed unto thame and thair successours in all tyme comming unprejudged be the said offer; lykeas also sensyne in the taxatioun grantit to his Majestie be the Estaits of this realme in the moneth of October, 1625 yeeres, in thair Act of

Offer by the members of the College of Justice to pay 10,000 merks as their contribution to the taxation imposed by the late Convention of the Estates, with the stipulation that this contribution do not compromise the privileges of the said College of Justice.

Conventioun the lyke declaratioun wes made in the supplicants favour upon thair voluntarie offer of the lyke soume of ten thowsand merkes, quhilk wes accordinglie payed be thame under the speciall provisioun and conditioun anent thair priviledges, liberteis and immuniteis. And now the supplicants considering that the Estaits of this realme being conveenned in the moneth of July 1630 yeeres last bypast hes grantit unto his gratious Majestie the lyke taxatioun as wes grantit to his Hienes in the twa preceeding taxatiouns foresaids with the lyke conditioun and reservatioun of thair priviledges under provisioun that they sould make the lyke offer unto his Majestie as they did in the former taxatiouns, and that thair said offer sould be accepted with all provisiouns, exceptiouns and conditiouns grantit to thame before and mentiouned in the saids acts and conforme to the tennour thairof in all points; and the supplicants being willing to make the said offer and to pay to his Majestie and his Hienes collectours of the said taxatioun the lyke soume as they payed of before in the samine twa preceeding taxatiouns, under the speciall provisioun and after the lyke qualitie and conditioun as is conteanit in the former acts; heirfoir the saids supplicants doe by these voluntarilie offer unto the saids Lords to pay to his Majesteis Collectour of the said taxatioun the said soume of ten thowsand merkes money; humbelie desyring thairfoir the saids Lords to accept and receave thair said offer under the lyke provisioun, qualitie and conditioun anent thair liberteis, priviledges and immuniteis as is conteanit in the saids twa former acts, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk after reading in the saids Lords audience, being callit, and Mr. Robert Learmonth, Deane of Facultie, M^r^ Androw Aittoun, M^r^ Lewes Steuart, M^r^ Robert Narne and M^r^ David Prymrois, advocats; M^r^ Alexander Gibsone, one of the clerkes of the Sessioun; M^r^ Francis Hay, David Andersone, M^r^ James Law and James Stratoun, Writters to the Signet, commissioners nominat and appointed be the advocats, clerks, writters and others members of the Colledge of Justice for making the offer foresaid, compeirand personallie, they with all dewtifull respect made the offer foresaid of ten thowsand merkes in satisfactioun of thair parts of this present taxatioun for the haill termes payment thairof, and humbelie desired the saids Lords to accept and receave thair said offer upon the lyke provisiouns and conditiouns anent thair liberteis, priviledges and immuniteis as is conteanit in the twa former acts abonewrittin. Quhilk offer being heard and considderit be the saids Lords, and they considdering that the not tymous making of the said offer proceedit not upon anie purpose or intentioun in the saids supplicants to frustrat his Majestie of the said soume, thairfoir the saids Lords hes accepted and receaved and be the tennour of this present act accepts and receaves the offer foresaid of ten thowsand merkes made be the saids supplicants in satisfactioun of thair parts of the said taxatioun for the haill termes payment thairof upon the lyke provisiouns, qualitie and conditioun anent thair liberteis,

Acts January 1631-May 1632. Fol. 99, b.

Fol. 100, a.

Acta January 1631-May 1632. Fol. 100, a.

priviledges and immuniteis as is conteanit in the twa former acts abone-writtin and conforme to the tennour thairof in all points; quhilks provisions and conditions the saids Lords holds as insert in this present act; lykeas the saids Lords hes dispensed and be the tennour heirof dispenses with the not tymous making of the said offer within the terme and tyme prescryved be the act of the Estaits, and exoners the saids supplicants of all danger and inconvenient that they may incurre thairthrow. And the saids Lords ordains and commands the Collectour Generall of the said taxatioun to receave fra the saids supplicants payment of the said soume of ten thowsand merkes now offered be thame in satisfactioun of thair part of the said taxatioun; anent the doing whereof the extract of this act sall be unto the said Collectour Generall ane warrand. And the saids Lords ordains the saids supplicants to make

Fol. 100, b.

payment to the said Collectour of the said soume of ten thowsand merkes now offered be thame as said is betuix and the first day of Januarie nixtocome but forder delay; and the saids Lords declares that all persouns whatsomever not being advocats, or clerkes, and yitt pretending thame to be of the nomber of the members of the College of Justice bot not conteanit in the stent roll made for payment of the said soume sall have no benefite of this present act, bot sall be secluded and debarred therefra; and ordains letters to be direct heirupon, if neid beis, in forme as effeiris."

Letter from his Majesty empowering the Council to examine Lord Ochiltree anent information to be given by him reflecting on certain noblemen. See *ante*, p. 358.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. The Lord Ochiltrie, having beene examined before our Counsell heere touching some informatioun givin by him reflecting upon some of the nobilitie of that our kingdome, we have beene pleased to remitt him thither to be tryed according to the lawes thairof, having to that purpose sent yow heerewith enclosed some depositions under his owne hand and the authentick copeis of others, whereof the principalls we cause reserve heere becaus they lykewayes concerne others persons. Our pleasure is that having givin order for receaving and committing him to saulfe custodie yow caus try and censure him according to our saids lawes before what judicatoreis and judgeis yow sall thinke fitt and competent for that purpose, and for your so doing these sall be your sufficient warrand. Givin at our honour of Hampton Court, the 24 of September, 1631. Quhilk missive being heard and considderit be the saids Lords and they advised thairwith, the Lords of Secreit [Counsell] ordains and commands Sir Thomas Hope, his Majesteis Advocat, to consider how farre the Lord Uchiltrie is punishable by law and to report upon Tuisday nixt."

Holyrood House, 17th November 1631.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 291, a.

Complaint by William Erskine in Tocher against Alexander Abercromby of Birkenboig and others for carrying prohibited weapons and forcibly debarring the complainer from his seat in the kirk of Rayne. See *ante*, p. 353.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and William Areskine in Tocher, as follows:—The bearing of hagbuts and pistols and convocation of the lieges, has been often strictly prohibited, yet, upon some sinister information made about the said William Areskine to Alexander Abercrombie of Birkinboig touching a seat and desk in the kirk of Rayne "wherein he had priviledge to accommodat himselfe for hearing of the preaching," and some other particulars about which he was innocent, and though, out of his respect for the said Alexander being "his speciall and tender freind," he went to him on the Wednesday preceding the Sabbath, and cleared himself to his apparent satisfaction, as they parted "in verie kynde and loving termes of freindship," the said Alexander, knowing that the complainer would be at the kirk on the following Sunday as usual, resolved to give him some notable affront and disgrace that day. For this effect he consulted with Adam Abircrombie of Aldrayne and, between the Wednesday and the Sunday, they or either of them went personally to such gentlemen of their kin and friendship in the country as would rise with them and accompany them on that day to the kirk of Rayne in hostile and warlike manner. Fol. 291, b. Accordingly George Leslie, apparent of Kincragie, Alexander Leith of Newrayne, Hector Abercrombie of Fetterneir, and Walter Barclay, servitor to John Leslie, elder of Pitcaple, with convocation of the lieges to the number of eighty persons on horse and foot, all armed with "jackes, secreits, mailzie coats, plaitsleaves, stealbonnets, gantlets, and the forbidden hagbuts and pistols," came at the bidding of the said Alexander and Adam Abercrombie, who were also present with them, to the kirktoun of Rayne for the purpose of debarring the complainer from his seat in the kirk. "And being in the said kirktoun quhilk is in view of the kirk and kirkyaird they walked in ane hostile and warrelike maner with two captans marching upon the heads of thair companeis hard by the kirk without respect to the Lords Sabboth, and they remained in a swaggering maner in and about the toun sending some of thair nomber hard to the yaird dykes; by occasioun whairof the minister fearing some great evill and inconvenient caused locke the kirk doores; quhereat they being miscontent they sent thair agents for thame to the minister that the doores of the kirk might be made patent to thame to the intent they might ather have debarred the said compleaner fra his seate and desk in the kirk or than have committed some insolent and disgracefull bravado upon him; bot the minister still perceaving thair violent course refuised to opin the doores or to preache that day; lykeas in respect of the feare of thair tumult there wes no preaching." Charge having been given to the said Alexander, Adam and Hector Abercrombie, George Leslie and Alexander Leith, and they with the pursuers personally compearing and having been heard, as also several witnesses having Fol. 292, a.

Decreta, March 1631-April 1632. Fol. 292, a.

been adduced by the pursuers, the Lords on their evidence found the said Adam Abircrombie guilty of convocation of the lieges in arms and bearing forbidden weapons and commit him to ward in the tolbooth of Edinburgh until he be released; but they assoilzie the said Laird of Birkinboig, because probation in his case being referred to his oath of

Fol. 292, b.

verity, and he being sworn and questioned "if he sent or wrote for Alexander Gordoun of Achannochie to come and assist him at the kirk the tyme libellit the said Laird depouned that having intentioun to marie his daughter the Sonday lybellit he wrote for Achannachie to come to the mariage, bot that the mariage day wes preveenned, she being maried without his knowledge upon Tuisday; and denyed that he sent for the Laird of Geicht, Pitcaple, Iden, Adame Gordoun, nor for Williame and Robert Dempsters nor Ardlogie to come to the kirk to debarre the persewer frome his desk, and denyed that he had anie intentioun to doe anie suche violent deid." The Lords also modify the sum of £10 to each of the witnesses, and £5 to Mr. John Logie, minister, in addition to his first modification, to be paid by the producer.

Supplication by Hector Abercromby of Fetterneir for protection, from which he has been illegally excluded by Sir John Leslie of Wardes and others.

Supplicatioun by Hector Abircrombie of Fetterneir as follows:—He is engaged as cautioner for Sir John Leslie of Wardes in certain great sums of money in respect of which legal process has passed against him, and upon some pretext or other Sir Alexander Gordoun of Cluny has seized upon his whole living, extending to eight score chalders of victual, which he uplifts for his own and the said Sir John's use, and meanwhile they have obtained from his Majesty protections for themselves and some of their friends but have left him out, and so have exposed him and his whole estate to the burden of their debts and the wreck of himself and his poor family. Charge having been given to the said Sir

Fol. 293, a.

Alexander Gordoun and he and the supplicant compearing and having been heard, the Lords find "that the said persewer hes beene unkyndelie and unthankefullie dealt with be the said Laird of Wardes and others who to his behove purchast the protectioun foresaid by omitting and leaving of the said persewer out of the same, he being ane of the said Laird of Wairdes his cautioners and heavilie distrest and troubled for his debts"; and as equity and justice demand that the burden shall not lie upon one while the others are shielded, they grant their protection to the supplicant in so far as respects his engagements for the said Laird of Wardes until 8th August next, which is the day to which the said protection in favour of the Laird of Wardes extends.

Fol. 293, b.

Complaint by Adam Abercromby of Aldrayne and Alexander Leith, his son-in-law, against John Leith of Harthill and others for carrying

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and by Adam Abircombie of Aldrayne and Alexander Leith, his son-in-law, as follows:—Though the wearing of hagbuts and pistols, convocation of the lieges in arms and hounding out of broken men against his Majesty's good subjects has been strictly prohibited, yet John Leith of Harthill, who has long borne malice towards the said Adam for the sole reason that he has married the said John's mother, "daylie threatens to bring

prohibited weapons and threatening the lives of the complainers.

doun brokin Hieland men and sorners to burne, herrie and spoyle the compleaners tennents and thair lands." For this end he went in July last to Loquhaber and hired certain broken Highlanders, of whom the Tutor of Glenneves and his brother were the chief, and brought them armed with "bowes, darloches" and hagbuts and pistols on 28th July to the market of Aldrayne, where Laurence fair was held that day, the custom and toll of which belongs to the complainer, and they searched up and down the market for him in order to kill him; and if the parson of Rayne and some of the well-affected gentlemen had not persuaded them to depart they would have committed some great insolence. Charge having been given to the said John Leith, and he and the pursuers compearing and they and some witnesses having been heard, the Lords find the said John Leith guilty as libelled and commit him to ward within the tolbooth of Edinburgh, there to remain upon his own expenses until he be released.

Decreta, March 1631-April 1632. Fol. 293, b.

Complaint by David Foulis of Leadhills and others against George Foulis, Master-Coiner, and others for detaining the complainers in ward after the dispute between them had been settled.

Complaint by David Foullis of Leidhills, Alexander Hamiltoun, his servant, John Schanklaw, William Tennent, Richard Tennent, and William McWeill, as follows:—Their Lordships committed them to ward within the tolbooth of Edinburgh upon the complaint of George Foulis, Master-Coiner, and John Mure of Anatstoun, of their alleged taking of the hous of Leidhill and removing Annatstoun's wife and children therefrom. As the matter in controversy between the parties has now been fully settled and their party has given consent, they ought now to be released from ward. The pursuers compearing by Sir William Baillie of Lamingtoun, and the said George Foullis and John Mure being also personally present as defenders, and having been heard, the Lords ordain the provost and bailies of Edinburgh to set the pursuers at liberty; because Sir William Baillie became cautioner for each of them in 100 merks that they would compear before the Lords on the first Council day of December next if they failed to agree with the said George Foulis and John Mure; and further in 300 merks for each of them that they would not molest the said George Foulis and John Mure.

Fol. 311, a.

Fol. 311, b.

See *ante*, p. 343.

[Omitted from its proper place in the Register.]

Anent the rental of the Abbey of Kelso.

"Ane missive frome his Majestie to the Lord Chanceller for continewing the tryell of the rentall of the Abbacie of Kelso till the fyftene of Januar nixt, whilk missive the Lords ordains to be registrat."

Sederunts, November 1629-January 1635. Fol. 68, b.

Holyrood House, 17th November 1631. Letter of Council to the Earl of Nithsdale anent Robert Swan, whom the Sheriff of Northumberland had requested to be delivered

"After our verie heartilie commendatiouns to your good lordship. Your lordship remembers of the charges quhilks wer latelie sent to your lordship aganis the provest and bailleis of Jedburgh for delyverie of Robert Swan to your lordship, since quhilk tyme the Shireff of Northumberland by his letter sent thither hes craved delyverie of this man to be made to him to the intent he may caus execute justice upon him within the bounds of his office, quhair his thifts and stouthes wer most frequent and ordinar, and he hes undertane upon a great soume of money ather to caus execute justice upon him or than to redelyver him

Royal Letters, 1623-33. Fol. 201, b.

Fol. 202, a.

Royal Letters, 1623-33. fol. 202, a.

backe heere to undergoe his tryell and punishment. And becaus he is ane Englishman and is best knowne in these parts where all his thifts wer committed and quhair his punishement will be more exemplar nor in anie other part, we have thairfoir thought it not amisse that delyverie be made of him, if your lordship pleases and hes not as yitt caused execute justice upon him; bot we remitt it to your lordships owne consideratioun and discretioun whether yow will delyver him or caus execute justice upon him there according to our warrand formerlie sent unto yow; requeisting your good lordship to resolve upoun the one or the other with diligence, and accordinglie to doe therein as your lordship sall think most expedient; and so committing your lordship to Gods protectioun we rest, etc. Halyrudhous, 17 *Novembris*, 1631. *Subscribitur*, Geo: Cancell., Hadintoun, Perth, S^r^ Thomas Hope, Scottistarvet, Hamiltoun, James Baillie.

for execution by the said sheriff.

cta January 31-May 1632. ol. 101, a.

Sederunt—Chancellor; Privy Seal; Perth; Linlithgow; Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Master of Elphinston; Secretary; Clerk Register; Advocate; Sir John Scot.

Holyrood House, 22nd November 1631.

ol. 101, b.

"Forsameekle as the King's Majestie by his letter directed to the Lords of his Privie Counsell, having signified his royall pleasure and directioun that James, Lord Uchiltrie, whome his Majestie hes sent home to be keeped in closse ward, sall be tryed and censured according to the lawes of this kingdome for some informations givin be him reflecting upon some noblemen and counsellers of the same before what judicatorie and judges the saids Lords sould thinke fitt and competent to that purpose, and his Majestie having to that end sent doun to the saids Lords some depositions under the said Lord Uchiltrie his owne hand and the authentick copie of others whairof the principalls ar reteanned be his Majestie, becaus they lykewayes concerne others persouns; and the saids Lords having read and considderit the same and having tane to thair consideratioun whilk is the most proper judgement for trying and censuring of maters of this kynde, they have all in one voice found and be the tennour of this act finds and declares that the tryell and censuring of the said act upon the particular foresaid is most proper and competent to be followed out before his Majesteis Justice. And thairfoir ordains Sir Thomas Hope of Craighall, knight, his Majesteis Advocat, to forme and draw up the said Lord Uchiltrie his dittay and to persew him criminallie thereupon before his Majesteis Justice upon the last day of November instant; and ordains his Majesteis said Advocat to give ane just copie of the dittay to the said Lord Uchiltrie betuix and the twentie fourth of this instant at night, to the intent he may have tyme to be advised thairwith, and to consult his advocats anent his lawfull defences competent to him aganis the same; anent the

Act empowering the King's Advocate to prosecute Lord Uchiltree before his Majesty's Justice. See *ante*, p. 365.

doing whairof the extract of this act sall be unto his Majesteis said Advocat ane warrand." Acta Januar 1631-May 16 Fol. 101, b.

Letter from his Majesty desiring that the trial of Alaster Grant may be postponed till the 10th of April following.

"The Lords of Secreit Counsell according to ane warrand in writt signed be the King's Majestie and this day presented to the saids Lords prorogats and continewes the dyet appointed to Alaster Grant, prisouner in the tolbuith of Edinburgh, for his criminall tryell before his Majesteis Justice untill the tent day of Apryle nixtocome. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we have givin order to some of our cheefe officiars of that our kingdome who ar there for composing of suche feades and differences as ar amongst the name of Grant, not Fol. 102, a. intending thereby that suche malefactors of that name who have transgressed our lawes and brokin our peace in these parts be lett goe unpunished, if any wayes found guiltie or accessorie thereunto; and understanding that Alaster Grant (who of a long tyme hes been a prisouner for crymes alleged against him of that kynde) is shortlie to be putt to his tryell, and that it is requisite for the better cleering of the truthe therein that some longer tyme be prescribed for that purpose, our pleasure is that the said tryell be continued till the tenth day of Aprile ensewing, before whiche tyme we will expect that further light will be givin therein. We bid yow farewell. Frome our Court at Whitehall, the tent day of November, 1631."

Supplication by Thomas Gordon, brother to James Gordon of Letterfoure, that he may have a longer time assigned for his better resolution in the points of his religion.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Thomas Gordoun, brother to James Gordoun of Letterfoure, for obedience and satisfactioun of the act whereby he wes obleist to that effect, and humbelie desired that he might have some longer tyme assigned unto him for his better resolutioun in the points of his religioun whairof he stands in dŏubt. Quhilk desire being heard and considderit be the Lords and they advised thairwith, and being willing to use all faire meanes for reclaming of the said Thomas frome his errours and resolving of him in the truthe, thairfoir the saids Lords hes prorogat and continewed and be the tennour heirof prorogats and continewes the former act whairby the said Thomas wes actit concerning his religioun untill the fyfteene day of March nixtocome. Lykeas the said Thomas, being personallie present, actit and obleist himselfe of new to enter into conference with his ordinar. pastour betuix and the 15 day of December nixtocome and that he sall continue and heare conference twise in the weeke (if he be required) for the space of sax weekes; and if enduring that tyme he cannot be moved to repaire to the kirk for hearing the Word, that than he sall compeir personallie before the saids Lords upon the said fyftene day of Marche nixt for receaving thair forder will and pleasure concerning him, and that in the meane tyme he sall carie himselfe soberlie and modestlie, without

Acta January 1631-May 1632. Fol. 102, a.

giving occasioun of offence or scandall to the Kirk under the pane of ane thowsand merkes, incaise he faillie in anie point of the premisses."

Decreta, March 1631-April 1632. Fol. 294, a.

[Sederunt as recorded above.]

Holyrood House, 22nd November 1631.

Supplication by John Gordoun of Craichlaw as follows:—For furthering the service in which he is engaged under Lord Spynie in the wars of Germanie he has contracted some petty debts, not exceeding £1000 in all; and having returned home to take order with these he was set upon by Roger Gordoun, son of Hew Gordoun of Grange, and some others and wounded to the peril of his life. He has raised an action before their Lordships against him for this assault and intends to prosecute before 31st January next, but lest advantage be taken of some hornings under which he lies, and of which he is willing to purge himself, if their Lordships will grant him a short space for that purpose, he craves their protection. This the Lords grant till 31st January next.

Supplication by John Gordon of Craichlaw for protection that he may sue certain persons who had assaulted him.

Fol. 294, b.

Supplication by Thomas Kirkpatrik of Closburne, as follows:—He has employed the time granted to him by their Lordships in giving satisfaction to Robert Charters of Kelwod and Bryce Sempill of Cathcart, his chief creditors, but there are still some small debts due by him of which he would willingly disburden himself if they would grant him a continuation of their protection till Whitsunday next, which accordingly he craves. The Lords grant him until 31st January next.

Supplication by Thomas Kirkpatrick of Closeburn for protection that he may satisfy his remaining creditors.

"Another protectioun exped to Robert M^cClellane of Nuntoun to the last of this instant for attending ane actioun persewed before the Counsell aganis him be Edward Maxwell of Balmaggan."

Protection to Robert M'Clellan of Nuntoun.

Fol. 295, a.

Supplication by John Rind, David Jonkein, James Lands, William Fairlie, Alexander Crawfurd, James Forsythe, Alexander Broun, younger, David Mitchelsoun, Stevin Boyd, and Janet Trenche, the principal creditors of John Lands, as follows:—Their Lordships' protection to the said John Lands expires on the 25th instant, and he "hes kythed ane honest and upright intentioun towards the supplicants in so farre as now the writts and securiteis concerning thair satisfactioun ar drawin up." If their Lordships will therefore continue the protection, "they hope this bussines sall take ane good conclusion." The Lords extend it until 8th January next.

Supplication by John Rind and others for protection to John Lands that he may satisfy the supplicants, who are his creditors.

Acta January 1631-May 1632. Fol. 102, a.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Tracquair; Master of Elphinstoun; Secretary; Clerk Register; Advocate; Sir James Baillie.

Holyrood House, 24th November 1631.

Fol. 102, b.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the

Letter from his Majesty announcing his

intention of coming to Scotland in the ensuing spring, and desiring that preparations be made in view of his visit.

saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we have fullie resolved to repaire at the ensewing spring of the yeere to that our ancient kingdome for receaving our crowne and holding a Parliament there, and being carefull (according to our former pleasure signified to that purpose) that at that tyme all things may be in that good order and decencie as most convenientlie can be done and as sall be found most requisite, our speciall pleasure is that yow seriouslie consider of what is fitt to be looked unto and provided at our comming and during the tyme of our abode there, and that yow caus signifie this our pleasure and give order accordinglie to all our officers and subjects whome it may concerne; and amongst other things that yow have a speciall care for causing preserve our game in our parkes, forrests and others places of sport accustomed by our royall father, and to that effect that yow give order for doing of suche things and providing of suche cautions and penalteis to be inflicted upon the transgressours as yow sall thinke most fitt and necessarie for that purpose; all whiche we doe in a speciall maner recommend unto your care, and bid yow farewell. Frome our Court at Whitehall, the saxteene day of November, 1631. Quhilk missive being heard and considderit be the saids Lords, they continew thair advisement upon the particulars till the nixt Counsell day; and ordains the acts and proclamatiouns made the tyme of the lait Kings douncomming to be revised and reported that day." Acta January 1631-May 1632. Fol. 102, b.

Order granting licence to Patrick Con, Papist, and his family to return from their exile and remain in Scotland for a year, on condition of their yielding obedience to the laws.

"Forsameekle as the Kings Majestie by his letter direct to the Lords of Privie Counsell hes signified his royall will, pleasure and directioun, that Patrik Con sall have licence to abide in this countrie for following out of his bussines during a certane tyme, as his Majesteis said letter beiris; quhilk being read and heard be the saids Lords and they having considderit the informations and reasons conteanit thairintill, and being carefull to understand the truthe of the same that accordinglie they may give unto his Majestie the better satisfactioun and contentment, they have thairfoir givin and grantit and be the tennour heirof gives and grants thair warrand to the said Patrik for his saulfe abode in the kingdome till the day of Januarie nixt, that in this meane tyme the saids Lords may the better informe thameselffes concerning the truthe of the informatiouns made to his Majestie in this bussines; discharging heirby all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis within burgh and all others judges, officiars and magistrats to burgh and land, and als all messingers of armes of all taking, apprehending, warding or troubling the said Patrik be vertew of anie excommunicatioun, horning or other warrand direct thereupon, discharging thame thairof and of thair offices in that part during the space foresaid; provyding alwayes that during the said space he give no scandall nor Fol. 103, a.

Acta January 1631-May 1632. Fol. 103, a.

just offence to the Kirk nor governement and that he traffique not nor resset Jesuits, seminarie nor messe preists, otherwayes this warrand to be null and to have no force nor effect. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and weil-belovit cousine and counsellour, we greit yow weill. We ar informed by petitioun frome Patrik Con that he having in obedience to our lawes and late orders of our Counsell retired himselfe and his familie furth of the countrie before anie processe intentit aganis him for not conformitie, wes notwithstanding by the Presbyterie of Aberdein excommunicat after his departure and by consequent thereof that these to whome he entrusted his estait have hitherto and may still (though unjustlie) deteane it frome him, except we out of our princelie commiseratioun dispense with the rigour of the law and grant him our licence to abide and follow his bussines within the countrie for one whole yeere. We therefore considering that the petitiouner, being frome his craddle bred in poperie and having yeeldit humble and tymelie obedience to our lawes and governement, ought not in equitie or reasoun to incurre the punishements that ar dew to disobedients onelie, have thought fitt (if the informationn be trew) to grant him licence to abide within the countrie and follow his bussines for the space of one whole yeere, and to dispense with the consequences of his excommunicatioun for the said space in so farre as they may concerne or prejudge the libertie of his persoun or the recoverie and injoying of his estait; willing therefore and requyring yow to give notice heirof to anie whome it may concerne, speciallie to the two supreme twinnes of judicatoreis, our Counsell and Colledge of Justice, and by your auctoritie frome us give forder order for the petitioners securitie and saulfetie as sall be neidfull; provyding alwayes that induring the said space he give no scandall nor just offence to the Church or governement, wherein not doubting of your care and conformitie to this our pleasure, we bid yow farewell. Givin at our Court at Whitehall, this 28 of October, 1631."

Fol. 103, b.

"Anent the complaint made to the Lords of Privie Counsell be Robert, Erle of Roxburgh, makand mentioun that where, as he is informed, the saids Lords hes assigned unto Francis Steuart, sonne to the lait Erle Bothwell, the 19 day of Januarie nixt for proving of the rentall givin in be him of his lait fathers estait and living, since the appointing of the quhilk dyet the saids lords hes receaved ane letter frome his Majestie to signifie his royal will and pleasure that nothing be proceedit in that bussines whill the 15 day of the said moneth of Januarie; and upon the assignatioun of this terme the said Francis hes raised letters aganis the witnesses whome he intends to use for proving of the said rentall for their compeirance the day foresaid to beir witnessing therein, and he intends, if his credite will serve him, to have the witnesses receaved and admitted that day, although it is farre aganis his Majesteis royall heart and intentioun that anie proceeding at all sall be in this bussines

The case between the Earl of Roxburgh and Francis Stewart anent the rental of the Abbey of Kelso to be postponed till the 1st of January following. See *ante*, p. 368.

till the said Erle first be heard both to object aganis the forme of tryell and aganis what other course sall be intendit therein. And anent the charge givin to the said Francis Steuart to have compeired personallie before the Lords of Privie Counsell this present day to have heard and seene him discharged of all using or causing of anie letters to be used or execute for proving of the rentall foresaid givin in be him the said 19 day of Januar nixt bot to suffer the same to rest and ceasse till the said fyftene day that the said Erle be heard to object aganis the course and order of proceeding, with certificatioun, as is after specified, lykeas at mair lenth is conteanit in the said complaint, executions and indorsations thairof; quhilks being callit and the said persewer compeirand be Johne Dunlop, his procurator, and the said defender being personallie present, the reasons and allegations of the said parteis being heard and considderit be the saids Lords, and they being thairwith and with his Majesteis letter foresaid weill advised, the Lords of Secreit Counsell in respect of his Majesteis said letter, commands, charges and inhibits the said defender of all using or causing of anie letters to be used or execute for proving of the rentall abonewrittin givin in be him the said 19 day of Januarie, bot to suffer the same to rest and ceasse till the said 15 day that the said Erle be heard to object aganis the course and order of proceeding; certifeing the said Francis if he faillie and will goe on in the executing of the saids letters aganis the witnesses that no processe sall be grantit to him thereupon. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counseller, we greit yow weill. Whereas we did formerlie writt unto our Counsell for proceeding in the lyke course toucheing the rentall of the Abbacie of Kelso as we wer pleased to require to be takin of suche of the estait of the lait Erle of Bothuell as wes possest by the Erle of Buccleuche; but considering that nothing can convenientlie be done without the presence of our right trustie and weilbelovit cousine and counsellour, the Erle of Roxburgh, and that we ar to deteane him for some short tyme for causes concerning the good of our service, our pleasure is that yow proceed not in anie thing concerning him or that abbacie untill the fyveteenth day of Januar ensewing whiche we have appointed him preciselie to keepe, and that yow signifie our pleasure heerin to our Counsell and Commissioners for the Surrenders. So we bid yow heartilie fareweill. Frome our Court at Whitehall, the nynt day of November, 1631."

Acta January 1631-May 1632. Fol. 103, b.

Fol. 104, a.

Anent advocates whom Lord Ochiltrie may choose for his defence.

"The Lords of Secreit Counsell ordains the Lord Chanceller to call unto him such advocats as the Lord Uchiltrie craves to compeir and pleade for him and conforme to the Act of Parliament to compell thame to take the patrocinie and defence of the said Lord, and in caise of thair refusall, no reasonable excuse being showne nor allowed, to caus conveene thame before the Counsell in the afternoone to the effect order may be taken for enforcing thair obedience as accords."

Decreta, March 1631-April 1632. Fol. 295, a.

[Sederunt as recorded above.]

Holyrood House, 24th November 1631.

Complaint by Robert M'Clellan and Edward Maxwell of Balmaggan, his tutor, against Robert M'Clellan of Nuntoun for refusing to pay his debts to the said Robert, the complainer, and for defying the Steward of Kirkcudbright in attempting to apprehend him.

Complaint by Robert M^cClellane of and Edward Maxwell of Balmaggan, his tutor, as follows:—Robert M^cClellane of Nuntoun is indebted to the complainer in great sums of money, for payment of which letters of horning and caption were issued against him, but these proving void their Lordships gave charge to the Steward of Kirkcud- Fol. 295, b. bright and his deputes for his apprehension. The said Steward went in person to execute the charge but was withstood by the said Robert, who has associated with himself "sevin or eight vagabounds and brokin men, everie ane of thame furnished with ane long hacquebut and two pistolets, beside other armour, and they concurring togidder goe up and doun the countrie boasting and threatning all suche aganis whome they have anie querrell, protesting and swearing with manie fearefull and execrable oathes that who ever sall presoome to take thame or meddle with thair houses, that they sall have thair lyffes," so that no magistrate can deal with them except by special commission with dispensation of whatever might fall out in execution thereof. Charge having been given to the said Robert M^cClellane of Nuntoun, who compeared personally, and the pursuers appearing by John Maxwell, brother of the said Edward Maxwell, the defender replied that what was concluded for in the summons against Fol. 296, a. him could not be granted because he had offered to find caution to pay the pursuers all that was due to them. After hearing parties, the Lords ordain the said John Maxwell to produce the said Robert M^cClellane, pupil, before their Lordships on 15th December next, under pain of horning, to the end he may then make choice of his curators before the judge ordinary; and they ordain the defender to raise summonses against the said pupil's nearest of kin both on the father's and mother's sides, to appear that day before the Lords of Council and Session and hear the curators chosen; and they further ordain the defender to bring with him that day a sufficient and responsible cautioner for payment of his said debt. And to enable him to do this with safety they extend the protection already granted to him [*ante* p. 371] to the 25th of December next. The Lords further appoint that £10 be paid to every horseman and 10 merks to every footman of the witnesses by the said John Maxwell, producer.

Complaint by Walter Renwick, master of the St. Lawrence of Lübeck, against Sir William Alexander, Master of Stirling, for illegally seizing the said ship.

Complaint by Walter Reynick, master of the ship called the S^t Laurence of Lubick, as follows:—His ship was upon her due course from to laden with salt, when she was violently seized by Sir William Alexander, knight, Master of Stirline, and the greater part Fol. 296, b. of the crew set on shore in France, of whom the complainer has since heard nothing. Sir William then brought the ship to Leith where within a short time she was adjudged to be a prize, but most unlawfully so, because (1) the ship carried no prohibited goods from or to Spain; (2) the Admiral and his deputes never cited the complainer nor other

persons interested in the ship to any trial, neither was there any examination held in the matter; and (3) the said William, the better to obtain the end he desired, put away those persons from the ship who could have cleared her of this accusation. Charge having been given to Alexander, Earl of Linlithgow, Mr. James Robertoun, his depute, John Ker, his clerk and the said Master of Stirline, to compear and produce the whole process in the case, and both pursuer and defenders appearing and having been heard, the Lords remit the case to the Lords of Counsell and Session as the competent judges in such a matter, recommending them to deal with it as summarily as possible. Decreta, March 1631-April 1632. Fol. 296, b.

Complaint by Mr. David Leitch, minister at Dundrennan, against John Little, servitor to the Earl of Nithsdale, anent the burning of the complainer's house.

Complaint by Mr. David Leitche, minister at Dundrennan, as follows: —Their Lordships imprisoned John Littill, servitour to the Earl of Nithsdaill, until he should inform them where he was the night of the burning of the complainer's house and three days before; and he at his examination by some commissioners appointed for his trial denied that he had any boy with him that night, contradicting, in so doing, what he had written in his letter to Patrick Forrester, bailie of Kirkcudbright, in which he offered, ten days after the burning, to present himself and his boy with him the time foresaid for trial before the presbytery of Kirkcudbright. Further, the said John and John Murray, who is prisoner with him in the tolbooth of Edinburgh on the same charge, deny that ever they knew each other "till now of lait, the contrarie whairof hes beene provin be famous witnesses." Moreover, there are several persons in the country who have not yet been examined and who are able to give light and information in the case, but some refuse to compear unless compelled. Charge having been given to John M^cNaucht in Orchartoun, Janet Carsane, wife of John M^cQueill at the Nether Mylne, Patrick Forrester, burgess of Kirkcudbright, Jean Dalyell, wife of John Beck at Colledge, and Isabel and Jean Beck, their daughters, to compear and bear witness; and the pursuers appearing but none of these persons, the Lords ordain them to be put to the horn and escheat. Fol. 297, a. Fol. 297, b.

See *ante*, p. 288.

Supplication for protection by Sir David Boswell, knight, who had brought Lord Ochiltree to Scotland.

Supplication by Sir David Boswell, knight, as follows:—He was appointed by his Majestie to attend Lord Uchiltrie to this kingdom and deliver him up, which he has done, and he is now shortly to return and give an account to his Majesty not only of that service but of some other things given him in charge, the doing of which will occupy him some days. He has been informed that some persons intend to trouble and hinder him to his disgrace by letters of caption, against which he craves that their Lordships will grant him their protection. The Lords grant this untill 15th December next.

Protection to Archibald Glen of Bar.

"The lyke protectioun grantit to Archibald Glen of Bar for coming in to Edinburgh to draw up securities for selling of his lands till the secund of Februarie nixt.

Decreta, March 1631-April 1632. Fol. 298, a.

Supplication by John Nairn, Commissary-clerk of Dunkeld, anent the registers and warrants of the Commissariot of Dunkeld.

Supplication by John Nairne, Commissary clerk of Dunkeld, as follows:—Their Lordships were pleased to give permisson to the Earl of Atholl to meddle with the registers of the Commissariot of Dunkeld and whole warrants thereof which were in the hands of James Crichton, lawful son of the deceased Thomas Crichton of Polcake, the last clerk, and the supplicant is informed that the said Earl "verie carefullie and dewtiefullie hes medled and intrometted with three score and four registers of the said commissariat and with ane nomber of warrands and processes thairof, and hes thame for the present in his custodie and keeping" until their Lordships shall ordain him to deliver them up to the supplicant to be kept by him as clerk during his lifetime, for the use of the lieges. He craves that their Lordships will give warrant for their delivery, and this the Lords do, ordaining the said Earl to hand over the said registers and warrants "to be keeped and used be the supplicant as clerk of the said commissariat during all the dayes of his lyfetyme for extracting of suche decreits, sentences, testaments and processes as sall be usefull for his Majesteis lieges."

Fol. 298, b.

Patrick Dickson, an excommunicated Papist, servitor to the Earl of Angus, to remain in his master's service in the meantime.

Patrick Dicksoune, servitor to the Earl of Angus, appearing before the Lords, produced the missive letter following, directed to the Lord High Chancellor of this kingdom, which having been read, they delay all further proceeding in this matter, either against the said Patrick, or the Earl of Angus, his master, till a new occasion, provided that the Earl stands obliged, under the penalty of 1000 merks, to put the said Patrick from his service and company unless he satisfy the Kirk before next. "Followes the missive letter abonewrittin.—Right noble my most honourable good lord, Being informed that the Erle of Angus is actit under pane of 5000 merkes to putt Patrick Dicksoun, excommunicat, out of his service and companie betuix and Michaelmes last bypast, these ar to informe your lordship that upon some hope of his conformitie and some conference whiche he had with my lord of S^{t} Andrewes at Perth we wer content the mater sould be delayed, and the Erle of Angus sould not incurre the penaltie of the act at this tyme, provyding his lordship stand obleist to putt him frome his lordships service and companie except he satisfie the Kirk. So commending your lordship to the mercie of God I rest, etc. *Subscribitur*, JA. GLASGOW. Dated Glasgow, 16 November, 1631."

Sederunts, November 1629-January 1635. Fol. 70, a.

The slaying of wild fowl.

"To revise the proclamatiouns made aganis the slaying and eating of wylde foule."

Lord Ochiltrie.

"The Lords prorogats the dyet appointed for the tryell of the Lord Uchiltrie till Thurisday the first of December nixtocome."

Acta January 1631-May 1632. Fol. 104, a.

Holyrood House, 25th November 1631.

Sederunt—Chancellor; Privy Seal; Linlithgow; Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Secretary; Clerk Register; Advocate.

Mr. Thomas Nicolson and Mr. Robert M'Gill, advocates, refuse to plead for Lord Ochiltree, on the ground that they are of kin to the Duke of Hamilton and the Earl of Haddington respectively—the two noblemen who had been accused by the said Lord Ochiltree.

"The whilk day Mr Thomas Nicolsone and Mr Robert McGill, advocats, compeirand before the Counsell and being demanded if they would pleade for the Lord Uchiltrie aganis the dittay whereupon he is accused before his Majesteis Justice upon some informations givin by him reflecting upon some noblemen and counsellours of this kingdome, the said Mr Thomas alledged that he could not compeir as advocat for the said Lord in respect that he and the Erle of Hadinton his lait ladie were sister barnes, and the said Mr Robert McGill alledged that the Marqueis of Hamilton is the fourth and himselfe is the third of kin. With the quhilks alledgeances the Lords being well advised, the Lords of Secreit Counsell finds by interloquutour that the declinatour foresaid propouned be the saids advocats and grounded upon their consanguinite and affinitie with the said Marqueis of Hamilton and Erle Hadinton is relevant to excuse and free thame from compeiring before the Justice on behalfe of the said Lord Uchiltrie." Acta January 1631-May 1632. Fol. 104, a.

Warrant to Mr. Robert Nairn, Mr. Alexander Pearson, and Gilbert Neilson, advocates, to confer with Lord Ochiltree, whose defence they have undertaken.

"Whereas James, Lord Uchiltrie, hes made choise of Mr Robert Nairne, Mr Alexander Persone, and Gilbert Neilsone, advocats, to concurre and joyne with him for proponing his lawfull defences competent to him aganis the dittay whereupon he is to be accused before his Majesteis Justice upon the first day of December nixt, thairfoir the saids Lords ordains and commands the saids three advocats to conferre and meit with the said Lord Uchiltrie to receave his informations, to accompanie and assist thame at the barre, and to doe thair dewtie and office in all and everie thing lying to their charge concerning the proponing of all lawfull defences competent to the said Lord in his tryell; quhereanent the extract of this act sall be to thame ane warrand." Fol. 104, b.

Lord Ochiltree's trial postponed.

"The Lords of Secreit Counsell for some speciall causes and considerationns moving thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to prorogat and continew the dyet appointed for the tryell of James, Lord Uchiltrie, till Thursday nixt, the first day of December nixtocome, quhereanent the extract of this act sall be unto the said Justice, Justice Clerk and thair deputs ane warrand."

Holyrood House, 26th November 1631.

Sederunt—Chancellor; Privy Seal; Linlithgow; Tracquair; Archibald Achesone; Clerk Register; Advocate; Sir John Scot; Sir James Baillie.

Charge to Sir John Blackadder of Tulliallan and John Hamilton of Blair to appear before the Council and meanwhile to keep the peace.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is some appearance of trouble lyke to fall out betuix Sir Johne Blacader of Tulliallane, on the ane part, and Johne Hamilton of Blair, on the other part, whilk will not faile to produce greater inconvenients to the breake of his Majesteis peace without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging both the saids parteis to compeir before the saids Lords upon the day of December nixt to underly suche course and order

Acta January 1631-May 1632. Fol. 104, b.

as sall be tane with thame for observing the peace under the pane of rebellioun, etc., with certificatioun, etc.; and in the meane tyme to command and charge the saids parteis that they nor nane of thame presoome nor take upon hand to invade, persew, trouble, nor molest one another for whatsomever deid, caus or occasioun, otherwayes nor be order of law and justice, either of thame under the pane of fyve thowsand merkes; certifeing thame that failyeis and does in the contrair that they sall be decerned to have incurred and to incurre the saids panes, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis Thesaurar, Deputie Thesaurar, and Receavers of his Majesteis rents in forme as effeirs."

Fol. 105, a.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Wigtoun; Lauderdaill; Dunkeld; Dumblane; Air; Carnegie; Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir James Baillie. Holyrood House, 29th November 1631.

"The Lords of Secreit Counsell ordains thair nixt meeting upon Thursday to be in the laich Counselhous of Edinburgh where they will conveene and sitt for assisting his Majesteis Justice in discussing the alledgeances and defences whiche sall be propouned before the Justice in behalfe of the Lord Uchiltrie upon the ordinarie dayes of his tryell." Next meeting of Council to be held in the Laich Council-House anent Lord Ochiltree's trial.

"The Lords of Secreit Counsell gives and grants commissioun be thir presents to David, Lord Carnegie; John, Lord Tracquair, Deputie Thesaurar; Sir Archibald Achesone, Secretar; Sir Thomas Hope, Advocat; Sir George Elphinstoun, Justice Clerk; and Sir James Baillie, or anie three of thame, the said Deputie Thesaurar being one, to conveene before thame all persons who hes in thair hand anie hay or necessar commoditeis concerning his Majesteis provisioun and to agree with thame thereanent." Commission anent provision of hay in view of his Majesty's visit.

"The Lords of Secreit Counsell having heard and considderit the petitioun preferred to thame be Johne Toshoche, prisouner in the Castell of Edinburgh, tuicheing his necessitous and distressed estait, the saids Lords for the said Johne his confort and releefe ordains and allowes the maister porter of the castell to suffer and permitt the said Johne Toshe to have accesse to his hous for refreshing his weakenned bodie at suche tymes as he cannot have the confort of fire within the prison hous, provyding the said Johne be alwayes attendit and waited upon be his keeper, and that nane have accesse nor conference with him bot in hearing of his saids keepers." Act in favour of John Toshoch, prisoner in the Castle of Edinburgh.

"Forsameekle as our Soverane Lords owne earnest desire, the heartie wishes and prayers of his most loving subjects of this kingdome and the effaires of his estait, both for receaving of his crowne and holding of a Parliament, hes invited his Majestie thir diverse yeeres bygane to honnour the same with his royall presence, and the impediments quhilks Proclamation forbidding the eating of venison and wild fowl in view of his Majesty's visit in the ensuing spring.

fra tyme to tyme wer ane lett and hinder of the accomplishement of his Majesteis intended journey hither being now by God's assistance removed, his Majestie hes resolved, God willing, in this approacheing spring to begin his journey here. And whereas his Majesteis repaire hither will necessarlie draw with his Majestie great nombers of the nobilitie and gentrie of the kingdome of England, for whois recreatioun, exercise and pastyme necessar it is that there sall be ane forbearance of the slaughter of wylde foule and vennisoun for some certain space quhairby the same may be the more abundant for the use and interteanement of his Majesteis Court and for the credite and reputatioun of the kingdome, thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what qualitie or degree soever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that nane of thame presoome nor take upon hand to slay, sell, buy or eate anie kynde of pertridges, blacke cockes, earth hens, termigants, capercailyeis and murefoullis nor no vennisoun at na tyme after the publicatioun hereof whill the first day of May nixtocome in the yeere of God 1632 yeeres, under the pane of ane hundreth punds to be incurred by everie persoun contraveening the premises so oft as he or she sall failyie or contraveene; quhilk contraventioun and failyie sall be tryed ather be thair owne oath or be witnesses as accords of the law. And whereas the person or persons contraveening ar not able to pay the said soume, they sall be punished in thair persons by warding and feeding upon bread and water at the arbitrement of his Majesteis Counsell: And siclyke to intimat and declare to all and sindrie persoun or persons that whoever will reveele and show to his Majesteis Counsell or Deputie Thesaurar where and be whome anie of the kyndes of wylde foule foresaids or vennisoun is slane, sold, bought or eatin, and will furnishe probatioun for the same, that not onelie sall thair names be concealed bot they sall have tuentie pund of everie contraventioun that sall be tryed and decerned be thair meanes: And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun, as said is, that nane of thame presoome nor take upon hand to hunt haires ather with ratches or grewhounds within aucht myles of the palaces of Halyrudhous, Linlithgow, Stirline, Dumfermline or Falkland, under the panes conteanit in the former Acts of Parliament and Secreit Counsell made thereanent; certifeing thame that sall failyie or doe in the contrair that the saids panes sall be inflicted upon thame without favour: And siclyke to command and charge all and sindrie shireffs, stewarts, justices of peace, magistrats within burgh and all others bearing anie office, charge or commandement under his Majestie, everie ane of thame within thair owne bounds limits and jurisdictioun, that they and everie ane of thame have ane speciall care and regarde to see this proclamatioun

Acts January 1631-May 1632. Fol. 105 a.

Fol. 105, b.

Fol. 106, a.

Acta January 1631-May 1632. Fol. 106, a.

preceislie observed and keeped within thair bounds, and that they suffer no mercat to be made nor keeped for anie kynde of wylde foule abone specified nor nane to be sold in houses nor sellers, bot that they appoint searchers and visitours to discover and try where there sall be anie breake of this ordinance, as they will answere to his Majestie and his Counsell upon the dewtifull discharge of thair offices."

Decreta, March 1631-April 1632. Fol. 299, a.

[Sederunt as recorded above.]

Holyrood House, 29th November 1631.

Supplication by Sir David Livingstoun of Donypace, John Livingstoun, his son, David Barclay of Madoes, Mr. William and Mr. Alexander Livingstoun of Greenyairds, and Robert Livingstoun, merchant burgess of Edinburgh, his cautioners, as follows:—Their Lordships know how earnestly he has dealt with his creditors to consent to his obtaining a protection for himself and his said cautioners until they should take some solid course for their satisfaction, and at last those of them who were most opposed thereto have yielded; wherefore they crave that their Lordships will grant them their protection for a certain space. This the Lords do till 10th January next.

Supplication by Sir David Livingstone of Dunipace and his cautioners for protection.

Supplication by John Traill of Blebo, as follows:—The former protection granted to him for settling his accounts with his uncle was stopped by Birsbane, servitor to the Earl of Wigtoun, and his brother, but he has now taken such steps as has removed their opposition, and he craves a continuance of his warrant. This the Lords grant till 31st March next.

Fol. 299, b.

Supplication for continuance of protection by John Traill of Blebo.

The Lords having assigned the 15th of December next to William Crawfurd of Camlarg for exhibition before them of William Twedie, his servant, who is accused of taking a wallet with some writs therein from Mr. Gavin Stewart, minister at Dalmellington, they hereby continue the diet of his appearance as above till 24th December next.

The exhibition of William Tweedie before the Council postponed.

Royal Letters, 1623-33. Fol. 202, a.

"May it please your most sacred Majestie, In obedience of your Majesteis letter of the last of June last past delyvered unto us by Sir James Sinclare we did call before us the said Sir James and William Dick, merchant burges of Edinburgh, and having heard both parteis and informed ourselffes of the trew estait of that bussines we doe find that your Majestie by a former letter writtin upon the 15 of Apryle, 1629, did fullie exonerat and acquitt the said Sir James of the foure thowsand punds sterline furnished unto him at your Majesteis directioun by Phillip Burlemakie and the said William Dick for leveying of a regiment of 3000 men for the service of your Majesteis royall uncle, the King of Denmarke, by vertew of quhilk letter ane act of Counsell wes made upoun the 14 day of July 1629 for the said Sir James his more full and assured exoneratioun and discharge. And quhairas the said Sir James pawnned his haill evidents and writts to the said William Dick for his performance of the said service, quhilks writts yitt ly in the said Williams

Holyrood House, 29th November 1631.

Letter to his Majesty anent the case between Sir James Sinclair of Murkle and William Dick, merchant-burgess of Edinburgh.

See Indexes to Vols. II. and III. (Second Series).

hands who will not redelyver the same without some warrand frome the said Phillip Burlemakie, thairfoir at his humble sute we ar enduced humbelie to represent the same unto your Majestie and with our humble intreatie that your Majestie may be graciouslie pleased to intimat and signifie your Majesteis said gracious exoneratioun and discharge to the said Phillip Burlemakie that he may give order to the said William Dick for restoring to the said Sir James Sinclare his evidents and securiteis of his lands pawnned unto him for performance of that service, and speciallie in respect we doe find the said William Dick verie willing to redelyver the same upon the smallest warrand frome the said Phillip, quherby the gentleman may make use of his owne estait for satisfeing suche other debts as he did contract for leveying and transporting the said regiment. So praying, etc. Halyrudhous, 29 *Novembris* 1631. *Subscribitur*, Dupline, Hadintoun, Wintoun, Linlithgow, Wigtoun, Dunkelden, Air, Tracquair, Arch. Achesoun, etc., S^r^ James Baillie." Royal Letters, 1623-33. Fol. 202, a. Fol. 202, b.

Edinburgh, 1st December 1631.

Sederunt—Chancellor; Privy Seal; Winton; Linlithgow; Wigton; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Carnegie; Secretary; Clerk Register; Sir James Baillie. Acta January 1631-May 1632. Fol. 106, a.

Proclamation commanding all persons who have not given in the inventories of their annual rents to do so by the 20th of January next.

"Forsameekle as by ane act of the Estaits made anent upgiving of inventars of the annualrents of this present taxation it is ordained that all his Majesteis subjects that have anie annualrents payable unto thame shall compeir within the heid burgh of the shirefdome, stewartrie, baillerie or regalitie, or the heid burgh in anie of these jurisdictiouns where the heid courts ar haldin and where the saids annualrenters dwellis and hes thair ordinarie residence, in anie court day in one of the two last weekes immediatlie preceeding and in ane of the first two weekes immediatlie following Witsonday and Martimes, at whilk tyme the shireffs, stewarts, bailleis and bailleis of regaliteis, provests and bailleis of free burrowes within the bounds of thair jurisdictiouns sall be obleist to hold courts weekelie to the effect specifeit in the said act, and that the lieges resorting to the saids courts sall give up ane inventar to the clerk thairof of the haill soumes of money for quhilk annuell is dew to thame yeerelie and termelie, with the names of thair debtors designed by name and surname and the ordinarie place of thair residence; as also the haill soumes of money for whilks they ar subject in payment of annuelrents to others with the names of thair creditours to whome the same is dew designed lykewayes by name, surname and the place of thair ordinarie residence whither the same annuelrent be in victuall or in silver, the annuelrent of victuall to be estimat according to the stocke of money for the quhilk it is payed at ten for the hundreth thairof; and sall caus the parteis upgivers of the saids inventars everie partie subscryve his awne inventars himselfe if he can write, and if he cannot write the clerk of the court sall subscryve the said inventar in face of

Acta January 1631-May 1632. Fol. 106, a.

Fol. 106, b.

court before the members thairof; and also the shireffs, stewarts, bailleis, bailleis of regaliteis, provests and bailleis of free burrowes within the bounds of thair jurisdictioun, and the clerkes thameselffes sall make and give up ane inventar of the debts auchtand to thameselffes and be thameselffes, as said is, as the act of Conventioun made to this effect beirs: And altho courts hes beene haldin in dew and lawfull tyme conforme to the tennour of the said act, yitt there is nombers of his Majesteis subjects, some pretending ignorance thairof and others upon pretext that thair moneyes lay in thair hands and that they could not gett thame putt out and sua could not give up inventars of the same, have neglected the upgiving of the saids inventars for the three termes bygane and hes endangered thameselffes in the penalteis conteanit in the said act. And the Lords of Privie Counsell being loath to take this advantage upon thair said neglect and being willing yitt to give thame ane competent and lawfull day to give up thair saids inventars, thairfoir the saids Lords hes appointed and assigned and be the tennour heirof appoints and assignes the twentie day of Januarie nixtocome to all and sindrie persouns who hes neglected the upgiving of thair inventars in anie of the termes preceeding, yitt to give the same up to the clerkes whome it concernes, certifeing thame that sall faillie and neglect this favour now offered and shawin unto thame that the rigour of the said act of Estaits sall be exacted of thame without favour. And whereas some exceptiouns is tane that the tyme appointed be the said act of Estaits for giving up of the inventars is so short as the subjects cannot have convenient tyme and leasure for giving up of the same, thairfoir the saids Lords for the ease of the subjects in this caise hes appointed and allowed and be the tennour of the present act appoints and allowes fourtie dayes after ilke terme of Witsonday and Martimes for upgiving of the saids inventars; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, whairthrow nane pretend ignorance of the same."

Declaration of the Earl of Haddington anent his accuser, Lord Ochiltree.

"The quhilk day Thomas, Erle of Hadintoun, Lord Privy Seale, compeirand personallie before the Lords of Privie Counsell declared that how ever he had been maliciouslie and falselie traduced and givin up be the Lord Uchiltrie to have beene ane plotter of ane treasoun intendit aganis his Majesteis persons, Queene and Prince, yitt he did no wayes resent that calumnious and false challenge since his Majestie had beene pleased by his royall declaratioun to acquitt him and to signifie his innocencie of the said cryme; and in respect thereof the said Erle declared that he would not accuse the Lord Uchiltrie nor carie himselfe as a partie aganis him."

Fol. 107, a.

Holyrood House, 6th December 1631.

Sederunt—Chancellor; Winton; Linlithgow; Perth; Wigton; Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne; Carnegie; Tracquair; Secretary; Justice Clerk.

Postponement of Lord Ochiltree's trial till the 1st of February following.

"The Lords of Secreit Counsell for some speciall causes and considerations ordains and commands his Majesteis Justice, Justice Clerk and thair deputs, to continew all forder tryell and proceeding aganis James, Lord Uchiltrie, upon the crymes whairof he hes beene accused before thame till the first day of Februarie nixtocome, quhereanent the extract of this act sall be to thame ane warrand." Acta January 1631-May 1632. Fol. 107, a.

Licence to Sir John Ogilvie to go to his own house of Craig—the said Sir John having represented that he is suffering from severe sickness.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Sir Johne Ogilvie of Craig, makand mentioun that at the last Counsell day haldin at Perth there wer some misinformatiouns givin in aganis him quhilks the informers would not take upon thame to qualifie, nather could they be able to qualifie the same, and if the supplicant had beene cited to the said Counsell day he would have beene able to have justified himselfe to be altogidder innocent of these imputatiouns. Alwayes it pleased the saids Lords at that tyme upon these reports to give ane warrand to charge him to goe to the toun of S^{t} Andrewes to be confynned there, for obedience of which charge the supplicant tooke journey frome his awne hous toward S^{t} Andrewes, being than diseased be reasoun of ane dissinesse in his head, so that he wes not able to travell on horsebacke for feare of falling frome his hors, and thairfoir he wes compellit, altho with great pane and travell, to make journey upon his foote, being led all the way with two men, and at last he atteaned with great trouble to the toun of Dundie. And now it hes pleased God to visite him with ane heavie sickenesse the whiche doeth increase the more upon him be reasoun that he hes not the benefite of so wholsome and free air as he wes accustomed to have; humbelie desyring thairfoir the saids Lords that he may have thair warrand to repaire to his owne hous of Craig, where if he die he may have the presence and confort of his wife and childrein, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they advised thairwith, the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants thair warrant to the said supplicant to repare frome the toun of Dundie to his owne dwelling hous of Craig and to remaine there and within twa myles about the same till the returne of the Archbishop of S^{t} Andrewes frome Court, the said Sir Johne acting and obleishing himselfe be ane bond that he sall caus his eldest sonne and the remanent of his childrein and domesticks resort to the kirk everie Sabboth when possiblie they may; that he sall not travell upon the Sabboth frome his owne hous or profane the same be anie slanderous behaviour in his owne persoun nor in anie that is in his power; that he sall remane within his owne hous and twa myles about the same, and that he sall not transgresse the saids bounds; that he sall not ressett Jesuits nor messe preists within his hous nor be found reasoning aganis the religioun presentlie profest in the Kirk of Scotland, Fol. 107, b.

Acta January 1631-May 1632. Fol. 107, b.

under the pane of ane thowsand punds in caise he faillie in anie point of the premisses."

Decreta, March 1631-April 1632. Fol. 300, a.

[Sederunt as recorded above.]

Holyrood House, 6th December 1631.

Complaint by James Wright in Norestoun, as follows:—On James Norie of that Ilk and Alexander Norie, his son, accompanied by Nicol Muschat in Monastoun, Andrew Spittell in Boghall, John Duncan in Spittletoun and others, to the number of twenty-four persons, came to his dwelling-house, and violently entering therein carried off his whole goods and also his sheep and cattle. Further, as he was coming to Edinburgh to make his complaint they lay in wait for him by the way, took him prisoner, and having also taken his purse from him with £100 therein, they carried him to Doune Castle and kept him there in irons for twenty days in great misery. Charge having been given to the persons above named, and the pursuer compearing but none of the defenders, the Lords ordain them to be escheat and put to the horn.

Complaint by James Wright in Norieston against James Norie of that Ilk and others for assault, robbery, and illegal warding in Doune Castle.

Fol. 300, b.

Supplication by Janet Home, Lady Samuelstoun, Captain James Hay, her husband, with Mr. William Kinnard, and John Home in , their cautioners, as follows:—About a year ago, before her marriage, the said Janet was influenced by Sir George Home of Manderstoun to make an assignation to George Home, his son, of her tack of the teinds of the parish of Swintoun and of the fourteen husband lands of Quhitsum during her lifetime, upon the condition that the assignation should be kept by herself undelivered. But the said George came to her house in Berwick and in her absence medled with the said tack so that she is disappointed of her rent and all means whereby to satisfy her creditors. She and her husband have made a new assignation of these teinds and lands to the Master of Dupline, who has thereupon raised an action of reduction against the said Sir George Home before the Lords of Session, and as her presence will be necessary at the discussing of the case she craves their Lordships' protection for herself, husband and cautioners. This the Lords grant till 31st March next.

Supplication for protection by Janet Home, Lady Samuelston, that she may attend to certain legal business in Edinburgh.

Fol. 301, a.

Supplication by Sir John Waus of Barnbarroch, as follows:—He has been unadvisedly involved in a heavy burden of debt "by the alluring and flattering speeches of the lait tutour of Bombie, his father-in-law," but has "ane vehement and earnest desire" to relieve himself. This he proposes to do by selling part of his estate, which must be by "the advice of procurators and writters in Edinburgh," and his chief creditors have consented to his repairing thither. One or two others he has not been able to meet and arrange with, but as delay will be detrimental to all his creditors, he craves their Lordships' warrant for the security of his person. The Lords grant this to him till 31st March next.

Similar supplication by Sir John Vaus of Barnbarroch.

"The lyke warrand grantit to Lauchlane McClaine of Morverne untill the last day of Januarie nixt."

Similar protection granted to Lauchlan M'Lean of Morven.

Caution by Robert Macmillan, sometime burgess of Irvine, to appear before the Council when lawfully cited.

Robert McMillane, sometime burgess of Irwing, compearing personally, enacted himself under the penalty of 500 merks to appear before their Lordships whenever lawfully cited and to answer to a complaint by the provost and bailies of Irwing against him of breaking out of their tolbooth, in which he had been warded for pursuit and invasion of their ordinary executioner in the discharge of his office, and in which thereafter he had been arrested by his creditors for certain debts. Decreta, March 1631-April 1632. Fol. 301, b.

Holyrood House, 8th December 1631.

Sederunt—Chancellor; Privy Seal; Linlithgow; Lord Lorne; Bishop of Dunkeld; Bishop of Dumblane; Lord Carnegie; Tracquair; Secretary; Clerk Register; Advocate. Sederunts, November 1629-January 1635. Fol. 71, a.

Holyrood House, 8th December 1631.

[Sederunt as recorded above.] Decreta, March 1631-April 1632. Fol. 301, b.

Supplication by the magistrates and community of Dysart for letters of recommendation from the Council to the lieges of the kingdom urging them to contribute to the building of a harbour for the said burgh—the former harbour having become useless, and the trade of the burgh thereby much decayed.

Supplication by the bailies, council, community and inhabitants of the burgh of Dysart, as follows:—"The said burgh being of lait yeeres ane of the most floorishing touns both in shipping, commerce and trade upon the coast side of Fyffe and weill experimented in the trade of navigatioun, having manie skilfull and expert mariners, is now become one of the poorest touns upon that whole coast, they having loast within thir few yeeres threttie sax good shippes with thair loadings, partlie be the violence and storme of weather, bot cheefelie by the Dunkirkers; quhilk hes drawn suche a miserable affliction and desolation upon thair poore burgh as all commerce and trade within the same is cassin up, the supplicants ar destitute of shipping, their mariners and seafaring men, who were amongs the best upon the coast, hes left thame to seeke thair fortouns ellis where, and thair harberie, quhik wes one of the speciall meanes whereby thair poore toun wes uphaldin, is altogidder decayed and filled with stone and sand, so as no small barke darre hazard to anker there." Having considered by what means their town could be recovered they conclude "that thair is no possibilitie of setting up of thair toun bot by a commodious and sure harberie, and having found out a platt at the west end of thair toun meit for that purpose they began to enter into worke and be contributiouns among themselffes and be the personall service of others who had not the meanes to contribute they have made some beginning of that worke. Bot the burdein and yoke is so greevous and heavie as they ar not able longer to undergoe the same, bot ar constrained to leave the worke, to the great greefe of thame all, who would be glade and willing to extend to the uttermost of thair endeavoures if by that means this worke could be advanced and haldin fordward. And if this worke could be advanced and perfytted, as they intend to have it, it will be one of the saulfe harbereis upon the coast and will verie farre import the saulfetie and good of all his Majesteis subjects, traders and travellers by sea. And whereas the Fol. 302, a.

Decreta, March 1631-April 1632. Fol. 302, a.

supplicants ar loath to be ane burdein to the countrie and onelie expect the liberalitie of suche weill disposed persouns as will freelie and willinglie contribute thair helpe to the uphalding of a poore toun and preserving the same fra utter wracke and desolatioun," they therefore crave letters of recommendation from the Council on their behalf for soliciting the benevolence of the lieges toward this work. The Lords knowing the truth of the plaint and the heavy nature of the undertaking, recommend

Fol. 302, b.

the supplicants' case to the whole prelates, noblemen, barons and burgesses, presbyteries and sessions of kirks and all well disposed persons within Fyffe, also to the whole burghs of the kingdom, of which Dysart is a member, requesting them of their charity and benevolence to assist towards the building of their harbour and restoring of their decayed and distressed burgh. The recommendation is to remain in force for a year.

Protection to Francis Durham of Duntarvie.

The Lords having assigned the 15th of December instant to Francis Durhame of Duntarvie to compear and answer to a complaint by Dame Jeane Maxwell, to remove all excuse for his non-compearing, grant him their protection "till Saturday come eight dayes at night," the 16th instant.

Royal Letters, 1623-33. Fol. 202, b

Holyrood House, 8th December 1631. Letter to his Majesty requesting his decision anent a point that has arisen in connection with the trial of Lord Ochiltree.

"May it please your most sacred Majestie, we did receave your Majesteis letter of the twentie nynt of June last quhairin your Hienes did signifie your Majesteis most gracious opinioun and declaratioun of the innocencie of the Marqueis of Hamiltoun and Erles of Hadintoun, Roxburghe and Bugcleughe, for preventing rumours of the foule aspersiouns whiche had beene suggested aganis thame by the sinistrous practise of some evill disposed persouns, after reading of whiche letter the said Erle of Hadintoun with bended knees wes ane humble and thankefull acknowledger of your Majesteis gracious favour and princelie judgement; and by vertew of your Majesteis other letter of the 24th of September requyring us to try and censure the Lord Uchiltrie before the judge competent, we did enter unto consideratioun of the papers sent doun unto us by your Majestie and after perusall thairof and conference with your Majesteis Advocat in the point of law we did conceave it to be a mater capitall and worthie to be persewed before your Majesteis Justice, and thairfoir upon mature deliberatioun and consultatioun we did referre the same to the judge ordinar, the Lord Justice Generall, and Justice deputs for a legall tryell in a criminall persute before thame, and for that purpose did appoint Thurisday the first of this instant for his tryell; in whiche (according [to] his legall desire upon bill) we allowed unto him counsell and conforme to the desire of the Justice deputs we did sitt and assist in the nixt roume to the Justice Court for discussing and resolving with thame all suche doubts as might occurre in that tryell, quherein we spent the first, secund and thrid dayes without intermissioun untill the proceedings wer fullie closed in wrytting by the Justice Court, and the dyet being than continued untill Wednisday the

sevinth, the Justices did advise the caus upon Moonday the fyfth among thameselffes and thereafter consulted with us of your Majesteis Counsell upon Tuisday the saxt, at whiche tyme we did peruse the indytement, defences and replyes and all that wes alledged in the caus by your Majesteis said Advocat and the said Lord Uchiltrie and his counsell, and finding some difficulteis resulting upon the ditty grounded upon the Act of Parliament of King James the First in his 2 Parl. Act 43, concerning leesing makers quhilks may engender discord betuix the King and his people, as also conceaving some doubts upon the Lord Rees depositiouns and the said Lord Uchiltries examinatiouns and judiciall defences and answers enforceing the said Lord Rees to be his pryme informer, as though your Majesteis letter had implyed the same, and considering that he and the said Lord Rees (as he alleadges) had not as yitt beene confronted in thair points of contradictioun, quhilk he vehementlie desired to be done, we have thairfoir thought it our dewtie to consult your Majestie and to send up unto your Hienes heerewith a perfyte extract of the whole proceedings heere. And becaus we wer informed that the said Lord Uchiltrie did latelie affirme that he did conceale the reasoun for whiche he did say to your Majestie these words (Sir, we know the bussines bot doe not know the tyme, and therefore ather doe or dee) and that he had affirmed that he would never reveele the said reasons so long as he lived except he were putt to it be a judge, therefore upon the said saxt day of this instant we sent a committee of our nomber to examine him upon that point and they having returned unto us thair report under his owne hand and theirs we resolved also to send the trew copie thairof unto your sacred Majestie that after perusall and consideratioun of all, your Majestie may be graciouslie pleased to send further directioun unto us for a finall end of that bussines, whiche in the meane tyme we have caused continew to the first day of Februarie nixt, at whiche tyme and ever your Majestie sall find us most obsequious unto your Majesteis further commandements as becometh, etc. Halyrudhous, 8 Decembris 1631. *Subscribitur*, Dupline, Wintoun, Linlithgow, Carnegie, Dunkelden, Dumblane, Lorne, Carnegie [*sic*], Tracquair, Arch. Achesoun.

Royal Letters, 1623-33. Fol. 202, b.

Fol. 203, a.

Holyrood House, 10th December 1631.

The Council confirms the nomination by the Earl of Angus of certain persons for special service in the Middle Shires.

"Forsameekle as in the commissioun of justiciarie grantit to the Erles of Angus, Nithisdaill, Bugcleuche and Annerdaill, and to the Lord Yester over the lait Borders of this kingdome power is givin to everie ane of thame to nominat and appoint some certane persouns whome they will imploy in executioun of some speciall points of service concerning the said commissioun, as the same beiris; according quhairunto the said Erle of Angus hes now givin up the persouns following whome he will imploy in that service; to witt, Sir James Douglas of Mordingtoun, knight, and Francis Douglas, brether germane to the said Erle of Angus, Robert Kincaid and Patrick Livingstoun, servitours to the said Erle,

Borders, 1603-43. Fol. 95, b.

Fol. 96, a.

Borders, 1603-43. Fol. 98, a.

Johne Mure of Annystoun, Hew Weir of Closburne, Alexander Baillie of Baigbie, James McMorran of Glaspen, Johne Hamiltoun of Gilkerscleuche, David Weir of Achtifardell, Adame Weir in Muckisfoote, Johne Cuninghame of Bonytoun, Williame Lokhart in Parke, Willliam Lindsey, portioner in Nisbit, James Inglis in Brigtoundyke, and Richard Dowglas. Quhilks persouns being givin in roll and presented this day before the Lords of Secreit Counsell and considderit be thame the saids Lords allowes of the nominatioun of the persouns abonewrittin for the service foresaid and for thair proceedings therein. And the saids Lords discharges all former acts whereby the said Erle nominat anie persouns quhatsomever for the service foresaid; and ordains the saids acts with the nominatioun of the persouns being therein to have no force, effect nor executioun heerafter; and ordains letters to be direct to make publicatioun heirof at the mercat croces of Dumfreis, Selkirk, Jedburgh and others places neidfull, quhairthrow nane pretend ignorance of the same."

Royal Letters, 1623-33. Fol. 206, b.

Whitehall, 10th December 1631. Letter of his Majesty anent a representation which has been made to him by the Bishop of the Isles touching the barbarity prevailing in the said Bishop's diocese.

"CHARLES R., Right, etc. Whereas the reverend father in God and our right trustie and welbelovit counsellour, Johne, Bishop of Isles, hes represented to us the great barbaritie used amongs the Ilanders of his diocie, and how there is no order amongs thame for increassing ather of religioun or civill policie, and notwithstanding that there ar articles condescended upon tuicheing that purpose (none of thame as we ar informed being observed) yitt there is no punishment inflicted upon the delinquents, our pleasure is that having appointed a day in Aprile or May insewing yow call the cheefe men amongst thame before yow and by the advice of the said Bishop that yow use your best meanes for establishing of religioun and governement according to the effect abonespecifeit; and if yow find that by that meanes yow cannot effectuat the same that then yow deteane thame with yow untill suche tyme as we our selfe sall come to that our kingdome that we may caus proceid thairin as we sall find most requisite. And quhairas we wer formerlie pleased to write unto yow to dispense with the appearance of the Captaine of Clanrannald untill the nixt dyet of the Ylanders, appointed to be in the spring of the yeere, intending that the lyke generall course might have beene takin with him as with the rest of the Ylanders, bot having since beene informed be the said reverend father in God and our trustie counsellour, the Bishop of the Yles, that aganis our lawes and in contempt of our auctoritie a preist wes violentlie takin out of his custodie be some persons who doe depend upon the said Captane, for whome he sould be answerable, and besides that violence wes offered to the person of the said bishop, our pleasure is that there be no dispensing with the said Captans compeirance bot that yow proceid aganis him as yow sall find the nature of the offence to require. So we bid yow farewell. From our Court at Whitehall, the tent of December, 1631."

Holyrood House, 13th December 1631.

Sederunt—Chancellor; Privy Seal; Perth; Lorne; Bishop of Dunkeld; Bishop of Dumblane; Melvill; Tracquair; Secretary; Advocate; Sir James Baillie. Acta January 1631-May 1632. Fol. 107, b.

Offer by the Extraordinary Lords of Session of the payment of 1000 merks as their proportion of the ordinary and extraordinary taxation.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie John, Lord Steuart of Tracquair, ane of the extraordinar lords of the Sessioun, for himselfe and in name of the saids extraordinarie lords, and made ane willing offer of the soume of ane thowsand merkes in satisfactioun of thair pairts of the ordinar and extraordinar taxatioun grantit to his Majestie be his Estaits in the moneth of Julij 1630, and humbelie desired the saids Lords to accept of the said offer. Quhilk offer being heard and considderit be the saids Lords and they advised thairwith, the saids lords hes accepted and be the tennour of this present act accepts the offer foresaid of ane thowsand merkes made be the said Lord Tracquair for himselfe and in name of the saids extraordinarie lords in full and compleit payment and satisfactioun of thair part of the said taxatioun, ordinar and extraordinar; and ordains the saids lords to make payment to his Majesteis Collectour of the said taxatioun and under receavers of the said soume of ane thowsand merkes now offered be thame, as said is, betuix and the secund day of Februar nixt; and the saids Lords hes dispensed and be the tennour heirof dispenses with the not tymous making of the said offer within the tyme prescryved be the act of Estaits, and exoners the saids lords of all danger and inconvenient that they may incurre thairthrow; and ordains the said Collectour to receave frome the saids lords payment of the said soume of ane thowsand merkes now offered be thame, as said is, in full and compleit payment of thair parts of the said taxatioun ordinar and extraordinar; quhereanent the extract of this act sall be to the said Collectour ane warrand; and ordains letters to be direct heirupon, if neid beis, in forme as effeiris."

Holyrood House, 13th December 1631.

[Sederunt as recorded above except Melvill, but adding Carnegie.] Decreta, March 1631-April 1632. Fol. 303, a.

Complaint by Archibald Johnston, servitor to Wilkin Johnston of Halmyre, against Patrick Murray, indweller in Edinburgh, for assault.

Complaint by Archibald Johnestoun, servitor to Wilkine Johnstoun of Halmyre, merchant burgess of Edinburgh, and the said Wilkine for his interest, as follows:—On November last the said Archibald was in the house of in Lyntoun about his lawful business, when Patrick Murrey, indweller in Edinburgh, drew a long whinger and gave him a "deepe and deidlie straike thairwith in the wombe" to the great effusion of his blood. Charge having been given to the said Patrick Murrey, and the said Wilkin Johnestoun compearing for himself and his servitor, but not the defender, the Lords ordain the latter to be denounced and escheat. They grant, however, "that this certificatioun sall not be prejudiciall to the Lord Tracquair anent his right of regalitie of Lyntoun within the whiche the ryot lybellit wes committed."

Decreta, March 1631-April 1632. Fol. 303, b.

Complaint by John, Bishop of the Iles, and Sir Thomas Hope of Craighall, King's Advocate, as follows:—In September, 1630, when the said bishop was in the Iles visiting his kirks he learned at Icolmekill that Patrick Chagartie, a priest, had come from Ireland and "infected the simple ignorant people in the Yles by saying of messe and other-wayes," and that he had gone to the isle of Southust. He thereupon took boat and went thither, a distance of 100 miles, and having apprehended the said priest took him with him to bring and present him before their Lordships. He did not expect that any one would be found so presumptous as to take the said priest from him, being one of their Lordships' number, yet Donald McLaughlane McMurrich in , McAlaster VcEan Og, and McRorie VcFerquhar, tenants to the Captain of Clanrannald, accompanied by about thirty persons, armed with bows, darlochs, hagbuts and pistols, at the direction and hounding out of Ranald McAllane VcEane, uncle to the said Captain, followed the said bishop and his company, presented their weapons at them, and forcibly took the said priest out of their hands. Charge having been given to the Captain of Clanrannald as master and chief of his said uncle and the other three persons above named to compear and take a day for their exhibition before the Lords, and the said bishop compearing by , his procurator, the said King's Advocate personally, and also the said Captain of Clanrannald, the Captain declared that Donald McLauchlane McMurrich had fled to Ireland, and that therefore he could not exhibit him, but he undertook to produce Ranald McAlaster VcEan Og and McRorie VcFerquhar on 10th July next to underlie their trial for taking the said priest from the said bishop.

Complaint by John, Bishop of the Isles, against the Captain of Clanranald, certain of whose tenants have rescued a priest from the hands of the complainer.

Fol. 304, a.

Supplication by William Leslie of Ryhill, brother german to the Laird of Wardes, as follows:—Sir Alexander Gordoun of Cluny has secured for himself a disposition of his brother's whole estate to the prejudice of his creditors, and especially of the supplicant, who is both his creditor and a cautioner for his brother in large sums; and the said Sir Alexander has also purchased from his Majesty a protection for himself and his said brother and some friends, but has purposely excluded the supplicant in order to bring his estate in peril for their whole debts. He is but a mean gentleman, whose estate consists only in a wadset of 7000 merks, which is all in his brother's hand upon a wadset of the farm of Ryhill; and his brother's estate being evicted from him by the Earl of Mar, who disponed it to the said Laird of Cluny, Cluny "verie craftilie forced the supplicant to give him doun ane great part of the principal soume, and to grant the lands redeemable for payment of a lesse soume, quhilks lands wer notwithstanding apprysed frome him be his brothers creditours as cautioner for him; so as his caise is exceeding hard, and he and his wife and sevin childrein ar redacted to great straits by captiouns and other executioun of the law." Their Lordships had been pleased to grant to Hector Abercrombie, another of his brother's cautioners (who was also

Supplication by William Leslie of Ryhill for protection as cautioner for his brother, the Laird of Wardes, a protection from which he has been unjustly excluded by Sir Alexander Gordon of Cluny.

left out by Cluny in his protection), and the supplicant is persuaded that their Lordships will not refuse the same to him whose interest is greater; and he craves accordingly. The Lords, finding that he "hes beene unkyndlie dealt with by these who purchast the protection foresaid by omitting and leaving him out of the same," grant him their protection until 8th August next, when the foresaid protection expires, but only in so far as regards his cautionry for his said brother. Decreta, March 1631-April 1632. Fol. 304, b.

Supplication by Sir James Balfour, Lyon King, against messengers whom he has deprived of their office.

Supplication by Sir James Balfour of Kynnaird, knight, Lyoun King of Armes, as follows:—He has gone through the whole sheriffdoms of the kingdom and taken order with all the messengers therein, several of whom he has deprived of their office. But they, notwithstanding, daily and continually exercise the same, to the prejudice of the lieges, abusing of his Majesty's authority, "and vilipending the supplicant's power over them." He therefore craves an act of Council in his favour for printing a roll of the names of those deprived messengers or who shall hereafter be deprived, with authority to publish and intimate the same to the lieges at the market-crosses of all head burghs and parish kirks throughout the kingdom. This the Lords think reasonable and grant license accordingly. Fol. 305, a.

Supplication by James Kennedy of Blairquhan and Josias Stewart of Ravinstoun for protection.

Supplication by James Kennedie of Blairquhan and Josias Stewart of Ravinstoun, as follows:—Their Lordships know that there are two actions depending against them, the one before his Majesty's Exchequer regarding the gift of their escheat, and the other before the Lords of Session regarding some money they are wrongfully alleged to be due to John Kennedie and his wife. The case in Exchequer depends upon the decision of the other by the Lords of Session, but the interested parties seek to take a dishonourable advantage of some hornings under which the supplicants lie and which prevent their personal attendance. They therefore crave their Lordships' protection; which is granted until 1st March next.

Supplication by John Jardine of Applegarth, a minor, for protection from the creditors of his immediate forbears.

Supplication by John Jardane of Apilgarth, as follows:—Upon consideration of the burden of debt lying upon him as heir to his father and grandfather, and that some of his creditors not only pressed him with legal processes but threatened to incarcerate his person and so "debarre him frome literature and liberall exercises in his lesse age," their Lordships granted him a protection, securing him immunity on account of any of his father's, grandfather's, or great-grandfather's debts, until he attain the age of fourteen years. That time now approaches, "and is the onelie proper tyme for the supplicant to be exercised in literature at schooles and for choosing of curatours for managing his estait." He therefore craves the continuation of his protection. The Lords continue it for a year in the same terms as formerly. Fol. 305, b.

Whitehall, 13th December 1631.

"CHARLES R., Right, etc. Whereas we ar informed that one David Foullis hath, aganis our lawes and in contempt of our auctoritie, com- Royal Letters 1623-33. Fol. 208, a.

Royal Letters, 1623-33. Fol. 208, a.

mitted a ryot in entering violentlie and keeping a hous belonging to another persoun, dispossessing his wife and children and mainteaning the fact by fortifeing the hous with muskets and pistolls, for whiche yow have caused committ him to prisoun. Becaus the fact is of dangerous consequence and fitt to be tryed in the most strict and highest degree according to our lawes, it being likelie that the said David hes beene aided and encouraged be others, our speciall pleasure is that yow caus try if anie persouns have bene anie wayes accessorie to the same, and if they be tryed and found guiltie, that both the said David and they be punished and censured according to our lawes that others may be terrified frome attempting the like heereafter. Whiche recommending to your care, we bid yow farewell. Frome our Court at Whitehall, the 13 of December, 1631."

Letter from his Majesty anent David Foulis who has taken violent possession of a house belonging to another person.

Sederunts, November 1629-January 1635. Fol. 71, a.

Sederunt—Chancellor; Privy Seal; Lorne; Dunkeld; Dumblane; Melvill; Carnegie; Tracquair; Secretary; Clerk Register; Advocate; Sir James Baillie.

Holyrood House, 15th December 1631.

"The quhilk day the Captane of Clanrannald declared that Sir Donnald McConneil of Slait being cautioner for him till the tent of Julij he wes content to renew his band that day or otherwayes to enter his persoun in waird."

The Captain of Clanranald and Sir Donald M'Connell of Sleat.

Fol. 71, b.

"That day Sir Donnald McConneil of Slait beand cautioner for the compeirance of the Captane of Clanrannald before his Majesteis Counsell upon the tent of Julij nixt and upon suche other dayes as betuix and that tyme he sall be lawfullie charged unto at the instance of parteis upon letters grantit by delyverance in publict Counsell under the pane of ten thowsand merkes, notwithstanding of the act formerlie found be the said Sir Donnald for the said Captane his yeerelie compeirance during his naturall lyfe, with the quhilk act and haill heids and articles therein conteanit the saids Lords dispenses, except in so farre as concernes the said Captane his compeirance the day foresaid under the pane abonementiouned."

Act of caution by Sir Donald M'Connell for the Captain of Clanranald.

Decreta, March 1631-April 1632. Fol. 306, a.

[Sederunt as recorded above.]

Holyrood House 15th December 1631.

Complaint by Sir Thomas Hope, King's Advocate, and Sir Donald Campbell of Ardnamurchan, knight baronet, the party grieved, as follows:—On 18th June, 1629, Sir Donald McOneill of Slaitt enacted himself before their Lordships under the penalty of 10,000 merks, that, *inter alia*, John McDonald McAllane VcEane of Ilantirum, Captain of the Clanrannald, would by himself and all others for whom he should answer, keep the peace; notwithstanding whereof the complainer has since the said date sustained many "great oppressiouns, insolenceis and wrongs" at their hands. For example, the complainer owns the whole

Complaint by Sir Donald Campbell of Ardnamurchan against the Captain of the Clanranald for violating his act of caution, and debarring the complainer from the rights of his own property by acts of violence.

fishing of the Water of Seall belonging to the lands of Ardnamurchan and Sownart, which he holds heritably of Archibald, Lord of Lorne, for now many years, but the said Captain, taken with the desire to create disorder, and to begin with the complainer, is resolved by way of deed, bangsterie, and oppression to debar him from the said fishing and appropriate the same to himself. Accordingly he gave warning to the whole inhabitants of Noydart and Moydart and such others as were willing to rise with him to be ready against the next advertisement in their most fencible manner to join him; and on 4th June last Rorie McDoneill Gorme VcEane, Rorie McLauchlane VcMurchie, John Dow VcMurchie Naseall, Donald McDoneill Roy VcEane Yeir, Donald McEwne Moir, John McEwne Yeir, his bailie of Moydert, and a great many others, his friends and kinsmen, for whom he stands obliged by the said act of caution, all armed with hagbuts, pistols, bows, targes, swords, darlochs and other invasive weapons, came in hostile manner to the said Water of Seall where three or four of the complainer's servants with their boat were at the fishing, and threatened them with present death if they did not leave it, presenting "bendit hacquebuts to thair breists"; whereupon the poor men fled for fear of their lives, and their assailants took away the complainer's fishing boat. Again, on the 8th of the said month, when the complainer sent three or four of his servants with new nets to prosecute his fishing in the said water, the said John, on getting notice thereof, gathered together John McAllane VcEane, his uncle, the said Rorie McDoneill Gorme VcEane, his near cousin, the said John McEane Yeir, his bailie of Moydert, Gillipatrick McEane Yeir, his brother, Allan McLauchlane VcDoneill Yeir, John McDoneill VcCarmaig, Angus Moir McInneis Yeir, Angus Dowie, the said Rorie McLauchlane VcMurchie, John Dow McMurchie, Donald McDonneill Roy VcEane Yeir and Donald McEwne Moir, all his men, and dependents, and others to the number of four score persons, armed with the above weapons and "murriouns, bittoches," etc., and coming to the said water they concealed themselves until the complainer's servants began to fish, whereupon "they presented and held to thair breasts bendit hacquebuts, boasted and minassed thame with present death unlesse they left the said fishing." Moreover, he has left a number of "the most insolent and brokin men of his kin and freindship to attend the said fishing and debarre and seclude the compleaner therefra." He has thus violated his act of caution and he and his cautioner should be decerned in the penalty of 10,000 merks. Charge having been given to the said John McDonnald and his said cautioner, also to the said Captain John McEane Yeir, Gillepatrick McEane Yeir, John Dow McMuriche Na Seall, Donald McDonell Roy VcEan Yeir, Donald McEwin Moir and John McCullane VcEane, and the pursuer compearing by Archibald, Lord Lorne, who took burden for him, and the Captain of Clanrannald and his cautioner compearing personallie for themselves and the other defenders, it was

Decreta, March 1631-April 1632. Fol. 306, b.

Fol. 307, a.

Decreta, March 1631-April 1632. Fol. 307, b.

stated by the last named that they had come in the Lord of Lorne's will for the riot complained of. On being questioned the Lord of Lorne admitted that the matter had been amicably settled and that full satisfaction had been made to him for the same, whereupon the Lords discharge the defenders of the said riot and all danger they might incur therethrough.

Supplication for protection to James and John Kennedy by Sir James Lockhart of Lee and Uchtred M'Dougall of Mondurk.

Supplication by Sir James Lokhart of Lee and Uthrid McDougall of Mondurke, creditors of James Kennedie of Crugiltoun and John Kennedie, sometime of Blairquhan, as follows:—They are informed that their Lordships have granted a protection to the Laird of Blairquhan and Josias Stewart to come to Edinburgh and attend the Exchequer and Lords of Session about the actions depending against them at the instance of the said James and John Kennedie until 1st March next, without the consent of any of their creditors, and as equity craves that the like favour should be shown to the said James and John Kennedie, on whose success the supplicants' satisfaction depends, they crave a similar protection to them. This the Lords grant.

Protection to John Collace.

"The lyke protectioun grantit to Johne Collace of Balnamoone at the instance of Alexander Carnegie, brother to the Lord Carnegie, his creditour, till the said first of Marche nixt."

Fol. 308, a.

Complaint by Edward Maxwell of Balmaggane against Robert M'Lellan of Nuntoun for assault.

Complaint by Edward Maxwell of Balmaggane, as follows:—Robert McClellane of Nuntoun is indebted to the complainer in a certain sum of money, and a tryst was appointed at the Abbey of Dundrennane where he was either to pay the money or grant security. They kept the tryst on July last, when the said Robert, instead of making payment to the complainer, "strake him through the arme with ane whinger" with the purpose of killing him. Both pursuer and defender compearing, and probation being referred to the latter's oath of verity, who denied the charge, the Lords assoilzie him therefrom.

Caution by Robert M'Lellan of Nuntoun that he will not molest Edward Maxwell of Balmaggane.

Act of caution by Robert McClellane of Nuntoun in 1000 merks that he will not molest Edward Maxwell of Ballaggane [*sic*] nor any pertaining to him, otherwise than by order of law.

Fol. 308, b.

Reciprocal act of caution by Edward Maxwell.

Reciprocal act of caution by the said Edward Maxwell of Balmaggane in a like sum towards Robert McClellane of Nuntoun.

Case of Andrew Anderson, Papist.

Andrew Andersoun, a busy and trafficking papist, having been apprehended, is lying in the pledge chamber of Dumfries and some suspicious letters have been found upon him, and it is necessary that he be produced before the Council that order may be taken with him accordingly. Charge having been given to Archibald Maxwell of Cowhill, sheriff of Dumfries, to produce him this day, and the said sheriff appearing by who exhibited to their Lordships the said Andrew Andersoun, the Lords committ him to the tolbooth of Edinburgh until he be further examined and tried, granting him an allowance of half a merk daily for his support, to be paid by his Majesty's Treasurer.

Fol. 309, a.

Anent the education of Lord Maxwell, son of Robert, Earl of Nithsdale, a suspected Papist.

In pursuance of the Acts of Parliament made by his Majesty's father anent the religious education of the children of noblemen, and in terms of his Majesty's own letters, charge having been given to Robert, Earl of Nithisdaill (who is "vehementlie suspected in his religioun," so much so that the remaining of Lord Maxwell, his son, in his company "may prove verie dangerous to the youth, and now in his tender yeeres infect and poysoun him with opiniouns wherefra it will be difficill thereafter to reclame him"), to produce his said son before the Lords this day so that order might be given "for his breiding and educatioun in the trew religioun profest within this kingdome"; the Earl of Nithisdaill compeared by Sir John Maxwell of Conhaith, his procurator, who exhibited to the Lords a letter from the said Earl directed to them stating that many days before the charge reached him his said son was in England. The Lords continue the case till the first Council day of July next, and intimated the same to the said procurator *apud acta*. Decreta, March 1631-April 1632. Fol. 309, a.

Caution by Sir William Baillie of Lamington for Edward Maxwell of Ballmaggane.

Sir William Baillie of Lamingtoun appearing personally before the Lords became cautioner for Edward Maxwell of Ballmaggane that he would make count and reckoning of all his intromissions as tutor to Robert McClellane, and make payment of all that can be charged against him as such; with clause of relief. Fol. 309, b.

Holyrood House, 20th December 1631.

Sederunt—Chancellor; Dunkeld; Dumblane; Melvill; Carnegie; Secretary; Clerk Register; Advocate. Acta January 1631-May 1632. Fol. 108, a.

Ratification of the Act of Commission anent his Majesty's annuity from unvalued teinds.

"The Lords of Secreit Counsell ratifeis, allowes and confirmes the act of the Commissioun for the Surrenders and Teinds of the dait at Halyrudhous the fourteene day of December instant, whereby it is statute that his Majestie sall have right to uplift his annuitie according to the fyft part of the present rent where the teinds are not valued and the constant rent not determined, in all and sindrie points, clauses and articles conteanit therein, and after the forme and tennour thereof in all points; and ordains letters of horning and poynding to be direct thereupon according to the tennour of the former acts made for uplifting of the said annuitie."

Charge to John Redick of Dalbeatie and others to appear before the Council and give evidence anent the burning of the house of Mr. David Leitch, minister at Dundrennan.

"Forsameekle as for the better cleering and discoverie of the burning of Mr David Leitche, minister at Dundrennan, his hous, and of the forme, maner and circumstances thairof, it is thought fitt and expedient be the Lords of Privie Counsell that John Redick of Dalbetie, Johne McMath beside Orchartoun, Williame Hay, tailyeour in Dundie, Johne Gibsone, servitour to the Bishop of Gallouay, and Wilsone, sonne to Robert Wilsone in Edinburgh, sall be examined tuicheing thair knowledge in that mater; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids persons to compeir before the saids Lords upon the 16 day of Februarie next to beir leill and suithfast witnessing in

Acta January 1631-May 1632. Fol. 108, a.

sua farre as they know or sall be speirit at thame in this mater, under pane of rebellioun, etc., with certificatioun, etc."

"Whereas Andro Andersone, ane traffiquing papist, being committed to waird upon tryell and confessioun made be him that he had convoyed some gentlemens sonnes beyond sea, is departed this lyfe within the said tolbuith [*sic*] thairfoir the Lords of Secreit Counsell ordains the provest and bailleis of Edinburgh to take tryell and examination of the forme, maner and caus of his death, and accordinglie to caus burie him with all convenient diligence."

Death of Andrew Anderson, Papist, in the Tolbooth of Edinburgh. See *ante*, p. 395.

Decreta, March 1631-April 1632. Fol. 309, b.

[Sederunt as recorded above.]

Holyrood House, 20th December 1631.

Robert M^cClellane of Nuntoun, compearing personally before the Lords, produced a bond of caution by Thomas M^cClellane of Glenshinoch, whereby, in terms of their Lordships' act of 24th November last, he obliged himself to pay to Robert M^cClellane, his brother's son, and his tutors and curators all sums due by him to them; which the Lords accepted.

Production of a bond of caution by Robert M'Lellan of Nuntoun.

The Lords of Council assign the 12th day of January next to Mr. Gavin Stewart, minister at Dalmellington, for proving the complaint made by him against William Crawfurd of Camlarg, William Twedie, his servant, Thomas Hilhous and Patrick M^cLure, his tenants, and Charles Rid and Alexander Alesoun, temporary tenants to the said William Crawfurd, viz. of the said William Twedie's taking a wallet with some writs therein belonging to the said Mr. Gavin at the instigation of the said William Crawfurd, and of the other persons named, their detaining the said Mr. Gavin prisoner for a night and withholding his horse from him, so that he was forced to travel four miles on foot. And the Lords direct summonses to be issued for the compearance of these persons, and also of such other persons as the complainer will use as witnesses.

Fixing of diet for Mr. Gavin Stewart, minister at Dallmellington, to prove his allegations against William Crawfurd of Camlarg and others.

Fol. 310, a.

The Lords assign the 12th January next to William Crawfurd of Camlarg and John Crawfurd, his servant, for proving their complaint against Mr. Gavin Stewart, minister of Dalmellington, and William Scharpe, his brother-in-law, of the said Mr. Gavin's taking some writs from the said William Crawfurd, and the said John [*sic*] Schairp's hurting and wounding the said John Crawfurd; with order for summoning the persons complained upon and others as witnesses.

Diet fixed for the counter-allegations of William Crawfurd of Camlarg and others.

Supplication by Archibald Naper of Pitliver, as follows:—The greater part of his creditors, knowing his resolution to give them satisfaction, have given their consent to his procuring a protection from their Lordships, but there are a few who refuse, so that his good intention will be frustrated. He therefore craves that their Lordships would grant

Fol. 310, b.

him this notwithstanding; and this the Lords do until 12th January next.

Supplication for protection by Archibald Napier of Pitliver.

Protection to Robert Home of the Heuch and William Fairlie, his cautioner.

"The lyke protection granted to Robert Home of the Heuche and William Fairlie, his cautioner, untill the said twelffe day of Januarie nixt." Decreta, March 1631-April 1632. Fol. 310, b.

Supplication by Dame Katharine, Lady Ochiltree, for licence to visit her husband in the Tolbooth of Edinburgh.

Supplication by Dame Katherine McDougall, Lady Uchiltrie, as follows:—She has often petitioned their Lordships for a warrant to herself and her daughter to have access to her husband in his present distressed and comfortless estate, "in regard he is verie sicklie and infirme, and if some remeid be not provided for his health it may be that his greeffes and diseases growing sall quickelie steale him aff his feit." She therefore craves that she and her daughter may have access to him, to confer with him in the hearing of the keeper of the tolbooth of Edinburgh or any of the bailies of Edinburgh twice a week, if she and her daughter shall desire the same. This the Lords grant.

William Tweedie to be freed from his ward.

"The Lords ordains Williame Twedie to be putt to libertie, the goodman of Camlarg being actit to exhibit him upon the twelffe of Januar under the pane of ane thowsand punds." Sederunts, November 1629-January 1635. Fol. 71, b.

Holyrood House, 22nd December 1631.

Sederunt—Chancellor; Wintoun; Wigtoun; Lauderdaill; Bishop of Dumblane; Melvill; Clerk Register; Secretary; Sir James Baillie. Acta January 1631-May 1632. Fol. 108, a.

Alexander, Master of Forbes, and John Jack, skipper.

"The whilk day the Lords of Secreit Counsell discharges and exoners Alexander, Maister of Forbes, of the contract passed betuix him and Johne Jack, skipper in , and ordains the said Johne to redelyver to the said Maister of Forbes the moneyes whiche he receaved of him with the victualls whilks he putt in his shippe."

See *ante*, p. 360.

Charge to the Commissioners for the Surrenders and Teinds to appear before the Council on the 10th of January next.

"Forsameekle as the Commissioners for the Surrenders and Teinds hes thought it meit and expedient for the better haistening of the valuatiouns that there sall be a daylie meiting of some selected persons of thair nomber to sitt both in the forenoone and afternoone for receaving of all suche valuatiouns as sall be exhibite unto thame and for hearing of parteis thereanent, and to the intent that this meiting may be certane and that the course intendit for accelerating of the saids valuatiouns be not interrupted nor hindered by the absence of these who ar nominat and elected for this bussines, thairfoir the Lords of Secreit Counsell hes ordained that the whole commissioners for the Surrenders and Teinds sall be charged to be heere aganis the nixt meiting of the Commissioun to the intent that when all ar present some solide course may be tane how a full nomber may be assured to attend this bussines. And thairfoir the saids Lords ordains letters to be direct charging James, Archbishop of Glasgow; William, Erle of Angus; Williame, Erle Mairshell; Johne, Erle of Mar; Johne, Erle of Rothes; Alexander, Erle of Eglintoun; James, Erle of Murrey; Robert, Erle of Nithisdaill; George, Erle of Winton; Alexander, Erle of Linlithgow; Johne, Erle of Wigtoun; Johne, Erle of Lauderdaill; Patrik, Bishop of Fol. 108, b.

Acta January 1631-May 1632. Fol. 108, b.

Aberdein; Alexander, Bishop of Dunkelden; Patrik, Bishop of Ros; Androw, Bishop of Gallouay; Adame, Bishop of Dumblane; David, Bishop of Brechin; George, Bishop of Orkney; Androw, Bishop of Argyle; Archibald, Lord Lorne; Johne, Lord Areskine; Johne, Lord Yester; Johne, Lord of Londoun; Robert, Lord Burlie; David, Lord Carnegie; Johne, Lord Wemes; Johne, Lord Tracquair; Sir Archebald Achesone, Secretar; Sir Johne Hamiltoun, Clerk of Register; Sir Thomas Hope, Advocat; Sir George Elphinston, Justice Clerk; Sir James Skeene, President of the Sessioun; Sir James Baillie of Lochend; Sir Alexander Gibsone, Sir George Affleck, Sir Andro Fletcher, Sir James Learmonth, and Mr. James Bannatyne, senators of the Colledge of Justice; Johne Leslie of Newtoun, Sir Johne Hamiltoun of Barganie, Sir Patrik Ogilvie of Inchemartine, Sir Johne Maxwell of Neather Pooke, Sir Johne Charters of Amisfeild, Sir James Lokhart of Lee, Archibald Campbell, the provest of Edinburgh, the provest of S^{t} Andrewes or Commissar Clerk there, Johne M^{c}Nacht, burges of Edinburgh, M^{r} James Cockburne, provest of Hadinton, the provest of Dundie, Duncane Patersone, Gabriel Cuninghame, Johne Cowane, Duncane Forbes, Robert Alexander, burges of Anstruther, Andro Bell, burges of Linlithgow, and M^{r} Robert Cunninghame, burges of Kingorne, to compear personallie before the saids Lords upon the tent day of Januarie nixt, to heare and see some solide and certane course tane how a full nomber of the commissioners may be assured fra tyme to tyme to attend this service, under the pane of rebellioun, etc., with certificatioun, etc."

Decreta, March 1631-April 1632. Fol. 311, b.

[Sederunt as recorded above.]

Holyrood House, 22nd December 1631.

David Foullis of Leadhills and others, for whom Sir William Baillie of Lamington had become caution, freed from their ward.

Sir William Baillie of Lamington, compearing personally, presented before the Lords David Foullis of Leidhill, Alexander Hamiltoun, his servant, John Shankland, William Tennent, younger, Richard Tennent, and William M^{c}Weill, for obedience of the act by which he obliged himself to enter them to underlie their Lordships' further pleasure in the complaint made upon them by George Foullis, master-coiner, and John Mure of Annatstoun, of taking the house of Leidhill and removing the said John Mure's wife and children therefrom. George Foullis compearing by Mr. James Foullis, his son, but the said John Mure not compearing, and parties having been heard, the Lords, in consideration of the circumstances of the case and that the persons aforesaid lay for a long time in ward within the tolbooth of Edinburgh for their offence, now relieve the said Sir William Baillie of his caution in the matter, and also release the persons foresaid produced by him from their warding and all further pursuit in the said matter, so that they may pass and depart home at their pleasure.

Fol. 312, a.

Supplication by James Chalmers, one of the ordinary macers of the Council, for protection from creditors to whom he has become bound by an act of caution for his son-in-law.

Supplication by James Chalmers, one of the ordinary macers before the Lords of Council and Session, as follows:—Their Lordships know "with what fidelitie, diligence and care he hes attendit his charge, having spent the best part of his lyfe in that service without blemishe or reproache, and his name and credite wes never brought in questioun till now of lait that he having out of his preposterous affectioun to M^r Mathow Forsythe, his sonne-in-law, ingadged himselfe as cautioner for him in certane soumes of money," and now, contrary to his expectation, he has been left to account with the said Mr. Matthew's creditors. They so rigorously distress and trouble him "that they ar like to bring his gray haires with sorrow to the grave." He in no way intends their prejudice, but "will concurre by his best and faithfull endeavoures for thair payment," and is willing to sell his lands and join with them in all other courses which may further their satisfaction. He therefore craves their Lordships' protection; and this they grant to him until 1st April next. Decreta, March 1631-April 1632. Fol. 312. a.

Protection to Sir John Scot of Newburgh.

"The lyke warrand grantit to Sir Johne Scot of Newburgh to attend his actiouns depending aganis Androw Scot, chirurgiane, till the first day of Februarie nixt." Fol. 312, b.

Complaint by the Clerk-Register against Barbara Montgomery, widow of William Wardrop, late deputy-keeper of Sasines in the sheriffdoms of Argyle, Tarbert, Bute and Arran, who refuses to give up the Registers that were in the keeping of the said William.

Complaint by Sir Johne Hamiltoun of Magdalens, Clerk of Register, as follows:—William Wairdrop, keeper depute under him of the Registers of Seasings and others within the sheriffdoms of Argile, Tarbet, Bute and Arran, having, "at the pleasure of God, departed this lyfe," his office is now vacant at the disposition of the complainer, and the whole registers which were in his possession at the time of his death, and which are now in the keeping of Barbara Montgomerie, his widow, ought to be delivered to him to be kept by him conform to the warrant of his office; nevertheless, she refuses to give them up unless compelled. Charge having been given to the said Barbara to compear and produce the said registers, and the pursuer compearing but not the defender, the Lords ordain her to be put to the horn and escheat. Fol. 313, a.

Continuance of protection to Francis Durham of Duntarvie.

The Lords continue the protection formerly granted to Francis Durhame of Duntarvie for his attending the settlement of the differences between him and Dame Jean Maxwell, his mother-in-law, until the 14th of January next.

Complaint by Dame Jean Maxwell, widow of Sir James Durham of Duntarvie, against Francis Durham for failing to pay her four chalders of victual due by him to her from an arrangement between both parties.

Complaint by Dame Jean Maxwell, widow of Sir James Durhame of Duntarvie, as follows:—By a contract entered into between her and the said Francis on 30th September, 1625, she disponed to him her liferent right of her conjunct-fee lands of the Mylne of Myrtoun of Lesmahago, called the Abbey mylne, with the mill-lands, multures, and other pertinents thereof, in the parish of Lesmahagow, also the Abbey Green of Lesmahagow, the lands of Drumbreck, Blairreckning, the half merkland of the lands of Lesmahagow, the third part of the merkland of Mayhole, and another third part of a merkland possessed by John Huchesoun, with the manor places, houses, etc.; and a tenement of land in the Fol. 313, b.

Decreta, March 1631-April 1632. Fol. 313, b.

Cannogait, for which the said Francis Durhame is obliged to pay her four chalders of good and sufficient victual, two parts meal and one part beir, during her lifetime. But for six years past he has most unnaturally and fraudfully withheld this victual from her, and when she charged him for it he always obtained a suspension. Having no means to follow up the pursuit, she "is redacted to great extremitie with her ten childrein, so as they have beene forced this lang tyme bygane to live by borrowing moneys frome honest persouns, who now despairing of payment will not faile to cast her in waird and thereby bring her to the extremest point of miserie." Both parties compearing personally and having been heard, the pursuer nominated Sir John Murray of Ravilrig, and the defender nominated Thomas Inglis of Eastshield, to whom they submitted their differences in this matter, and who, they promised, would meet in Edinburgh on 10th January next to consider them; and in case of variance they promised to consent that the Lords of Privy Council or Session should choose an oversman, to whose decision they would submit themselves.

Royal Letters, 1623-33. Fol. 203, a.

22nd December 1631. Letter of Council to the Magistrates of Lübeck anent a ship of the city which had been seized by a Scottish privateer.

Illustres, generosi, et amici nostri plurimum colendi. Literas vestras Calendis Maij datas, per manus Walteri Reynolds, liberæ civitatis vestræ Lubicensis mercatoris, accepimus gratanter et non sine magno nostro studio et cura ad perimplendum vestrum in negotio tam justo et honesto desiderium. Ille tanquam mandator exercitorum quorundam civium vestrorum, vobis querelam exhibuit, navem sibi suisque exercitoribus spectantem, et nomine domini Laurentii insignitam, a quibusdam nostratibus illegittime direptam, et mense Junio anno millesimo sexcentesimo vicesimo septimo, in regnum hoc Scotiæ divectam, et ibidèm judiciali sententia confiscatam, nemine (quorum intererat) vel citato, vel audito. Nos (ea qua decuit equitate) rem considerantes, et a primis vestigiis indagantes qua ratione aut auctoritate dicta navis primum capta, et deinde confiscata, et captoribus adjudicata fuit, comperimus eam in curia nostra admiralitatis, regni hujus Scotiæ publico judicio, captoribus adjudicatam. Propterea quod illi, virtute commissionis magno hujus regni sigillo munitæ, dictam navem, bona, et mercimonia prohibita, in Hispaniam contra publicas regni hujus proclamationes, et edicta promulgata transvehentem, tanquam legittimam prædam secundum juris normam et temporis consuetudinem contrectarunt. Admirallum quoque hujus regni supremum super hoc negotio audivimus, sententiæ suæ defensorem et propugnatorem acerrimum et processus sui ordinem et judicii equitatem ab omni calumnia vindicare paratissimum. Nos interim sane perpendentes negotium istud non esse hujus nostri fori, omnemque judicis iniquitatem et processus nullitatem, a supremo tantum senatu hujus regni in civilibus per judicium rescisorium corrigendum ea qua debemus cura et benevolentia dicto senatui causam commendavimus, minime dubitantes quin illa regni hujus suprema et intemerata curia mandatorem hunc civem vestrum ea qua decet equitate et sine longa

Fol. 203, b.

juris ambage benevole amplectatur: ille vero si vel criminis conscius aut causæ suæ diffidens tam justum judicium detrectaverit. Obnixe rogamus, ut nostrum hunc quantulumcunque versus civem vestrum amorem sanum consilium æqui bonique consulatis, confisi plurimum nos nulla in re defuturos ad omnem rem civium vestrorum promovendam. Deum Optimum Maximum precamur ut vos omnesque cives vestros diu et incolumes sospitet nobis qui amicitiæ vinculo sumus, etc. Dabantur sub chirographis et sigillo nostro undecimo Kalendis Januariis 1631. Geo: Cancell., Lauderdaill, Dumblane, Hamiltoun, S^r^ Thomas Hope, Arch. Achesoun. Royal Letters 1623-33. Fol. 203, b.

Holyrood House, 22nd December 1631. Letter to his Majesty in favour of the Master of Forbes.

Most sacred Soverane, The within bill of petitioun being exhibited unto us be the Maister of Forbes we have thought it our dewtie to send and recommend the same to your gracious consideratioun that his diligence and chargeable endeavoures may receave its owne dew approbatioun, he having throw manie difficulteis left nothing unperformed heere whiche doeth consist within the compasse of his power, as becometh a man of his place, descent and credite; all whiche we humbelie leave unto your Majesteis owne grace and favour, and so, etc. Halyrudhous, 22 *Decembris*, 1631. *Subscribitur*, Duplin, Lauderdaill, Dumblane, Tracquair, Arch. Achesoun, Hamiltoun, S^r^ Thomas Hope, James Baillie.

Whitehall, 9th January 1632. Letter from his Majesty desiring that a committee of the Council be appointed anent the burning of Frendraught.

CHARLES, etc. Right trustie, etc. We wer pleased some months agoe seriouslie to recommend to yow the speedie and exact tryell of the burning of the hous of Fendreth and the death of the Vicount of Melgame and other gentlemen that wer with him, but being now informed be the Lord Gordoun that in regarde of the publict bussinesses whiche continuallie occurre to yow, yow cannot have conveniencie so speedilie to goe throw that tryell as the haynousnesse of the cryme, if anie sall be found, doeth require; we have thairfoir thought fitt to propone to yow the desire of the Lord Gordoun whiche is that a committee furth of your nomber sould attend without delayes to performe that tryell; willing thairfoir and requiring yow ather to give present way and order for expeding of a commissioun thereupon under the great seale of that our kingdome or otherwayes, that by your awne authoritie yow establish thc lyke committee in all points according to the tennour of the commissioun sent yow heerewith, quhairin not doubting of your conformitie to this our pleasure we bid yow farewell. Frome our Court at Whitehall, the 9 day of Januar, 1632. Fol. 206, b.

Holyrood House, 10th January 1632.

Sederunt—Chancellor; Privy Seal; Galloway; Lauderdaill; Melvill; Tracquair; Bishop of Dumblane; Clerk Register. Acta January 1631-May 1632. Fol. 109, a.

Order to the Magistrates of Edinburgh to allow certain persons named

"The Lords of Secreit Counsell according to ane warrand and direction in writt signed be the King's Majestie and this day presented and read before thame, ordains and commands the provest and bailleis of

Acta January 1631-May 1632. Fol. 109, a.

Edinburgh and the keeper of thair tolbuith to grant to James, Lord Uchiltrie, the priviledge of ane free warder within thair tolbuith during the dependence of his tryell, provyding that he be saulflie keeped so that he escape not; as alsua that they grant accesse within the tolbuith to his wife and daughter, Mr. Williame Struthers and Mr. Harie Rollock, ministers of Edinburgh, to Marie Steuart, sister to the said Lord, the Laird of Mondurke, his good brother, Gilbert Neilsone of Craigcaffie, Johne Inglis, his merchant, with whome he hes diverse compts to fitt, Bessie Achesone who furnishes him his meate, and James Ker, his servant, to the intent they may conferre with him at suche convenient tymes and occasiouns when they sall desire accesse within the said tolbuith; as alsua to suffer and permitt James Areskine, the boy who is in prison with him, to goe out and in to the tolbuith for suche bussines as the said Lord must necessarilie imploy him into; anent the doing of the quhilks premises the extract of this act sall be unto the saids provest and bailleis and keeper of the tolbuith ane warrand. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. We have seene the Lord Uchiltrie his petitioun whiche yow sent unto us, and considering how requisite the conference with divines is for him at this tyme and how necessarie for his effaires the meeting with his wife or these his freinds, or the imployment of that his servant at all occasions may be to him, our pleasure is that yow give warrand for these particulars or for his further ease within the prisoun as yow sall thinke fitt during the dependence of his tryell, according to the tennour of his petitioun whiche we returne yow heerewith. For doing whairof these presents sall be to yow a sufficient warrand. So we bid yow farewell. Frome our Court at Whitehall, the 29 of December, 1631."

to have access to Lord Ochiltree while his trial is depending.

Fol. 109, b.

"Forsameekle as the Kings Majestie was gratiouslie pleased for releefe of the poore and change of small commoditeis to direct his former warrands to the Lords of his Privie Counsell for causing coyne some farthing tokins of the lyke weight and value as they ar current in England, and his Majestie being since informed and considering that the divisioun of the pennie sterline formerlie used heere will be more convenient for exchange and reckoning than the new divisioun into foure farthings and that for avoiding the danger of counterfooting and for the more exactnesse of the impressioun it is fitting to make the copper money of ane greater proportioun of weight. Thairfoir his Majestie, with advice of the saids Lords of his Privie Counsell, hes thought meit and expedient, concluded and ordained that there sall be fyftene hundreth stane weight of copper, unmixed with anie other mettall, wrought and forged in a mylne, cutted be cutters, printed with presses and others ingynes necessar thereto and coynned in pennie and

Order for the coining of 1500 stones of copper into penny and two-penny pieces for the benefit of the poor.

twa pennie peeces, the pennie weyghing aucht graines, whairof fyve hundreth threescore saxteene to be in the marke weight with saxteene of the saids penneis for remeid of weight als weill heavie as light upon the marke weight thairof, and the twa pennie peeces weyghing saxteene graines, quhairof twa hundreth fourescore aucht to be in the marke weight with aucht of the saids twa pennie peeces for remeid of weight als weill heavie as light upon the marke weight thairof, the saids peeces having on the one side ane imperiall crowne and the letters C.R. at the sides thairof, and beneath the crowne the twa pennie peece having twa II thus pointed, and the pennie I as the figure and nomber of thair value with this inscriptioun CAR. D.G. SCOT. ANG. FRAN. ET. HIB. R. and on the other side the saids peeces bearing a thistle with a leafe on either side thairof with the usuall and accustomed motto *Nemo me impune lacessit.* Whiche coyne his Majestie with advyce foresaid ordains to have course amongs his Majesteis subjects for the use of the poore and change of small commoditeis allanerlie and not to be receaved in payment of soumes of money bot at the optioun of the partie receaver. Commanding heirby the generall, maister of his Majesteis Cunziehous and all others whome it doeth concerne presentlie to prepare thameselffes and to proceid with all convenient diligence to the melting, forging, milling and coyning of the saids pennie and twa pennie peeces, and to continew carefullie therein sua that the whole quantitie of fyftene hundreth stane weight foresaid may be wrought and coynned before the first day of Januar in the yeere of God j^{m}vj^{c} threttie fyve yeeres; and that there be suche proportionable quantitie of the said copper coyne wrought in pennie peeces as his Majesteis Thesaurar and Deputie Thesaurar sall fra tyme to tyme direct: Commanding alsua the wardane, counter wardane and sinker, everie ane of thame in thair awne severall charges, to attend this service, and to doe and performe what to the dewtie of thair office apperteanes, as they will answere upon the contrarie at thair highest charge and perrell: And ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croce of Edinburgh and others places neidfull whairthrow nane pretend ignorance of the same; and to command and charge all his Majesteis subjects to receave the saids pennie and twa pennie peeces in exchange of small commoditeis in maner foresaid and in no wayes to refuise the same, as they will answere to his Majestie upon thair obedience. Followes his Majesteis missive for warrand of the act abonewrittin.—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, right trustie and right weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Whereas upon our pleasure formerlie signified unto yow tuicheing the copper coyne yow gave order for coyning fyftene hundreth stone weight of copper into farthing tokins of the lyke weight and value as they ar current in

Acta January 1631-May 1632. Fol. 109, b.

Fol. 110, a.

Acta January 1631-May 1632. Fol. 110, a.

this our kingdome, being now informed by our right trustie and weilbelovit counsellour, the Viscount of Stirline, our principall Secretarie there, that diverse of our loving subjects conceave the divisioun of the pennie sterline formerlie used to be more convenient for exchange and reckoning than the new divisioun into foure farthings, and that for avoiding the danger of counterfooting and for the more exactnesse of the impressioun it is thought fitt to make the copper money of a greater proportioun of weight, our pleasure is that the said quantitie of copper be coyned in severall speces of pennie and two pennie peeces, the pennie weyghing eight graines which is the weight current heere, and wes intended there for farthing tokins, and the two pennie peece saxteene graines of proportionable weight to the pennie; causing distinguishe thame by thair bearing on the one side the figure or nomber of thair value under ane imperiall crowne with our inscriptioun; and on the other the thistle with the usual motto; which coyne we will to have course among our subjects for the use of the poore and change of small commoditeis allanerlie, and not to be receaved in payment of soumes of money bot at the optioun of the partie receaver. And in regard of the necessitie of a speedie returne hither for occasions concerning our service of Nicolas Bryot, our cheefe graver of our Mynt heere, whome we directed hither for coynning of these moneyes, we speciallie recommend to yow that no forder delay be made in putting that worke to perfection. So we bid yow heartilie farewell. Frome our Court at Whitehall, the 30 day of December, 1631."

Decreta, March 1631-April 1632. Fol. 314, a.

[Sederunt as recorded above.]

Holyrood House, 10th January 1632.

Continuance of protection to Sir David Livingstone of Dunipace and his two cautioners.

The Lords for enabling Sir David Livingstoun of Donypace to make a timely and profitable sale of his lands in order to satisfy his creditors and relieve his cautioners continue their former protection granted to him and to Mr. William Livingstoun of Greenyairds and Alexander Livingstoun his son, his cautioners, till 1st April next.

Similar protection to Robert Home of the Heuch and his cautioners.

"The lyke warrand prorogat and continewed to Robert Home of the Heuche, Archibald Home and Williame Fairlie, his cautioners, to the saxtene day of Februarie nixt."

Supplication by Mr. William Wishart, minister at Leith, for a warrant for the arrest of Marion Mure, who has confessed herself to be a witch.

Supplication by Mr. William Wishart, minister at Leith, as follows:— Marion Mure, widow of George Brown in Leith, in presence of himself, the bailies of Leith and Mr. William Struthers, minister at Edinburgh, has confessed that for many years past she has been a witch, and that at the persuasion of the Devil she renounced her baptism and took the name of Katharine from him. The supplicant had earnestly dealt with the said bailies to apprehend her and imprison her in their tolbooth to await her trial, but they refuse to do so without a warrant from their Lordships; and this accordingly he craves. The Lords grant the same;

ordaining the said bailies to arrest the said Marion and keep her in their tolbooth till the Lords intimate their further pleasure in the matter. Decreta, March 1631-April 1632. Fol. 314, b.

Holyrood House, 10th January 1632. Ranald M'Alaster V'Ean Oig, exhibited to the Council by the Captain of the Clanranald.

"The quhilk day the Captane of Clanrannald exhibite Rannald M^cAlester V^cEan Oig, one of those who violentlie tooke and fred a preist out of the hands and power of the Bishop of the Yles, who being sworne thereanent depons by Donnald Bayne, his interpreter, that he wes accidentallie present when the preest wes releeved bot knew not who the Bishop wes, and depons that before he wes instructed be that preist that he had never nather heard preaching nor prayer; and that there wes no suche divine exercise within the Captans bounds. The Lords allowes the said Rannald to returne home, becaus the Captane actit himselfe to present him agane before the Counsell when ever he sall be lawfullie charged." Sederunts, November 1629-January 1635. Fol. 72, a.

Holyrood House, 12th January 1632.

Sederunt—Chancellor; Privie Seal; Lauderdaill; Melvill; Tracquair; Bishop of Dumblane; Clerk Register; Sir James Baillie. Decreta, March 1631-April 1632. Fol. 314, b.

Supplication by Elspet Lindsay, widow of David Ramsay, Collector-depute of the Taxations within the north side of the Sheriffdom of Forfar, for a discharge for a sum of money which had been lost through the drowning of her late husband.

Supplication by Elspet Lindsey, widow of David Ramsay, Collector-depute of the Taxations granted to his Majesty in 1630 within the north side of the sheriffdom of Forfar, and James Ramsay of Ogill, cautioner for the said David, for his interest, as follows:—The said David in the discharge of his said office had uplifted about 315 merks 10s. as his accounts show, and he had this money upon him when he happened "unhappilie to be drownned in the Water of Southesk and throw the violence and spait of water caried doun be the space of foure myles or thereby over the rockes and linnes, the haill cloaths being upon his bodie for the most part not onelie torne and rent, bot also the haill parts of his bodie pitifullie mangled and spoylled," and the whole money foresaid lost to the utter ruin of her and her fatherless children. She made known the case to the Lord Chancellor, as Collector General of the said taxation, who, commiserating her case, issued a warrant discharging the Sheriff of Forfar and his deputes from troubling her or her cautioners on this account until further instructions should be given, and she now craves that their Lordships would grant her their discharge for the money lost as above-mentioned. This the Lords do by discharging the said Sheriff and his deputes from troubling the said widow or cautioner, and by ordaining the Lord Chancellor to allow the said sum of 315 merks 10s. to the said Sheriff of Forfar and his deputes in their accounts of the taxation. Fol. 315, a.

Complaint by George Stewart, messenger, against William Brown of Brounsbank for assault.

Complaint by George Stewart, messenger, as follows:—Being employed in the collection of the two last terms of the taxation at Coldinghame, a great number of the feuars of the priory met with him on 13th December last in the house of John Broun in Eymouth for payment of their dues. He was busy writing discharges to them when William Broun of Brounsbank being asked by his son for payment pretended that he had the

Decreta, March 1631-April 1632. Fol. 315, a.

complainer's discharge. The complainer having truthfully replied that he had no discharge for the last two terms, and that he would require to report either the money or a horning to the Collector-General, "the said William having ane capfull of aill in his hand violentlie rashed the same on his face as he was wrytting, almost dang out his teeth thairwith, quhairthrow the blood gushed out of his mouth and blinded his eyes, and than he drew his sword of purpose to have slane the compleaner thairwith; and he publictlie bragged that now he had performed his promise in kuffing of the compleaner, as he had threatened ane quarter of yeere before." The pursuer compearing but not the defender, probation was referred to the evidence of witnesses, who having substantiated the complaint in every part, the Lords ordained the said William Broun to be charged to enter into ward within the tolbooth of Edinburgh within six days, and there remain until he be released by them.

Fol. 315, b.

Royal Letters, 1623-38. Fol. 203, b.

"After our verie heartilie commendatiouns to your good lordship. We looked that your lordship according to your promise made at your last meiting upon the 21 of December sould have preceislie keeped the nixt dyet of the ellevint of Januar bot your lordships absence hes dissappointed and hindered the haill parteis whois dyets wer appointed to the said ellevint of Januarie and the preceeding and following dayes for the committee quhairthrow his Majesteis service is verie farre interrupted and shaikin louse and the subjects drawin to extraordinarie charges, unnecessar attendance and tinsell of thair tyme, so as this service is lyke altogidder to miscarie, highlie to his Majesteis offence if there be not a more assured and precise attendance; and thairfoir these are to requeist and desire your good lordship that yow faile not, all excuses sett aside, to make your addresse heere again Wednisday nixt, the auchteene of this instant, to the intent yow may be readie in the afternoone to conveene and meit with the rest of the commissioners and to concurre and joyne with thame in the maters than to be intreatted and handled, and that yow come prepared to attend this whole moneth becaus in the course tane be the commissioun for assuring of a full nomber ever to attend your lordship is nominat as one for the moneth of Januarie. And so looking for your lordships precise keeping of this dyet as yow respect the forderance and advancement of this service, quhilk his Majestie hes so oft and frequentlie recommendit unto us, we committ your lordship to God. Frome Halyrudhous, the 13 day of Januarie. *Subscribitur*, Geo: Cancell., Hadintoun, Lauderdaill, Dumblane, Caithnes, S[r] Thomas Hop, S[r] Ja. Skene, M. A. Gibsone, M. R. Cunghame, Johne Maknacht, Johne Cowane." Holyrood House, 13th January [1632]. Letter of Council to the Bishop of Dunkeld requiring him to be present at a meeting of Council on the 18th of January ensuing.

Fol. 204, a.

Acta January 1631-May 1632. Fol. 110, b.

Sederunt—Privy Seal; Wintoun; Lauderdaill; Melvill; Tracquair; Bishop of Dumblane; Master of Elphinstoun; Advocate. Holyrood House, 17th January 1632.

The Choristers of the Chapel Royal and the King's coronation.

"The whilk day the quiristers of the Chappell Royall compeirand personallie before the Lords of Privie Counsell, and being demanded if they wer able and would undertake to serve his Majestie both in the daylie service and at the coronatioun, they declared and affirmed be the mouth of Andro Sinclare, thair speecheman, that they had both skill and abilitie to discharge that service to his Majesteis contentment and credite of the countrie." Acta January 1631-May 1632. Fol. 110, b.

Holyrood House, 17th January 1632.

[Sederunt as recorded above substituting the Chancellor for Wintoun.] Decreta, March 1631-April 1632. Fol. 316, a.

Complaint by John Balfour, mariner, indweller in Leith, and others against John Stevenson and William Weir, merchant burgesses of Edinburgh, who accused the complainers of stealing their goods, and are summoning the said complainers to a diet which they are prevented from keeping by their ordinary business.

Complaint by John Balfour, mariner, indweller in Leith and James Broun, timberman there, with William Waters and John Borthuick, merchants, burgesses of Edinburgh, their cautioners, as follows:—John Stevinsoun and William Weir, merchants, burgesses of Edinburgh, accused the two principals, Balfour and Brown, of stealing some goods belonging to them out of the ship called "The Johne" of which Thomas Wilsoun, skipper in Leith, is master, and charged them to find caution to undergo their trial before the Justice in the tolbooth of Edinburgh on 18th January instant. Conscious of their innocency, they found the caution as required and are quite willing to stand their trial; but when charged the said John Balfour was, as he still is, in Burdeaux as a sailor in a Leith ship called "The Lamb," of which John Glas, skipper in Leith, is master, and the said James Broun was just about to sail thither as a sailor in the ship called "The James," of which Peter Logie in Queensferrie is master. As their ships are still at Burdeaulx they cannot keep the said diet. Charge having been given to the said John Stevinsoun, who compeared by John Pitcarne, his procurator, and the said cautioners appearing for themselves and their principals, the Lords after hearing parties ordain the Justice, Justice Clerk and their deputes to postpone the said trial until 8th March next or sooner upon a warning of six days if the accused persons come home before then. Fol. 316, b.

Supplication for protection to their debtor James Adinston, tailor, burgess in Edinburgh, by his principal creditors.

Complaint by Robert Adinstoun of that Ilk, George Leslie, Francis Kinloch, Alexander Adinstoun, Archibald Sydserfe, James Rae, Walter Rollock, Andrew Russell, John Dowglas, Patrick Beatie, Robert Smith, George Ker, and Katharine Archibald, principal creditors to James Aldinstoun, tailor, burgess of Edinburgh, as follows:—They understand that their said debtor is both willing and able to satisfy their claims if he were secured from personal arrest and had time to gather in his own debts, but he refuses to come in and deal for this unless he either obtains their Lordships' protection, or the consent of his whole creditors. The latter is not possible, because some of them "ly farre of and ar unknowne," and they therefore crave a protection to him from the Lords. Charge having been given to John Rynd, John Lawder and Fol. 317, a.

Decreta, March 1631-April 1632. Fol. 317, a.

James Dischingtoun, three of the supplicants' creditors, the two latter compeared and gave their consent to the crave. And the said Robert Adinstoun, Francis Kinloch, and Alexander Adinstoun, appearing for themselves and the rest of the supplicants, the said Robert Adinstoun declared that for the furtherance of the payment of the said creditors he was most willing that they should participate with him in the assignation made to him by his brother, the said James Adinstoun, and be admitted to sign the "contract of societie" following thereupon, so that they may proportionably participate in the benefit thereof for liquidation of their claims. The Lords are pleased to grant their protection to the said James till the last day of March next.

Fol. 317, b.

Supplication for protection by Andrew, Lord Jedburgh, that he may satisfy his creditors.

Complaint by Andrew, Lord Jedburgh, as follows:—He intends to sell a great part of his estate for his relief from the burden of debt under which he lies, but must have consultations with lawyers for the preparation of the securities, and come to Edinburgh, which he cannot do without their Lordships' protection. Charge having been given to John Hamiltoun, merchant burgess of Edinburgh, and Janet Sinclare, widow there, two of his creditors; and the pursuer appearing by John Dunlop, his procurator, and Janet Sinclare compearing personally, but not John Hamiltoun, the Lords, after hearing parties, grant the pursuer their protection until the last day of March next; but declare that if he do not take some course for the satisfaction of the said Janet Sinclare before 10th February next, they will, upon her complaint, recall this protection.

Fol. 318, a.

Complaint by Walter Weir in Dynburgh against Robert Balloch in Gaitside of Duntreath, for illegal continuance of horning.

Complaint by Walter Wair in Dynburgh, as follows:—He is informed that he has been put to the horn at the instance of Robert Balloch in Gaitside of Duntreith for failing to enter himself in ward within the tolbooth of Edinburgh till he should be tried for wounding of the said Robert. He should now be relaxed from this horning, as he has given satisfaction and assithement to the said Robert, and has obtained his discharge thereupon, which he produces to their Lordships. Further, he found caution in 100 merks to appear this day before their Lordships and also to pay £20 for his escheat if found liable therein. Charge having been given to the said Robert Balloch, and he not compearing, the Lords grant suspension of the horning.

Acta January 1631-May 1632. Fol. 110, b.

Holyrood House, 19th January 1632.

Sederunt—Privy Seal; Wintoun; Galloway; Dunkelden; Dumblane; Clerk Register; Advocate; Sir John Scot.

Letter from his Majesty requiring the postponement of the valuation of the rental of the Abbacy of Kelso—the Earl of

"The whilk day the missive letter underwrittin signed be the Kingis Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. As

Roxburgh being still detained on his Majesty's service.

we wer pleased to write to yow of lait that our right trustie and weil-belovit cousine and counsellour, the Erle of Roxburgh, could not in regarde of occasiouns concerning our service repaire to that our kingdome before the fyftene day of this moneth of Januarie, so the verie same occasions being a reasoun to us for his further stay, our pleasure is that these bussinesses concerning him signified by our former letter be continewed till the 15th day of Februarie nixt ensewing, and to that effect that yow caus intimat this our pleasure to the Commissioners for Surrenders and to the committee appointed by yow for giving up a trew rentall of the Abbacie of Kelso; whiche recommending to your care, we bid yow farewell. Frome our Court at Whitehall, the thrid day of Januarie, 1632. Quhilk missive being heard and consideritt be the saids Lords they ordaine the same to be insert and registrat in the bookes of Privie Counsell, and intimatioun thairof to be made to the Commissioners for the Surrenders." Acta January 1631-May 1632. Fol. 110, b.

[Sederunt as recorded above.] Decreta, March 1631-April 1632. Fol. 318, b.

Holyrood House, 19th January 1632.

Supplication by John Meldrum that he and his wife, both prisoners in the Tolbooth of Edinburgh and in heavy sickness, may have the privilege of having their chamber door left open for the admission of free air.

Supplication by John Meldrum, as follows:—He was warded in the tolbooth of Edinburgh fourteen months ago by their Lordships, and he has been kept there "in closse waird within twa lockefast doores" with "twa wounds rinning on his bodie and others sickenesses and diseases. And now it hes pleased God to visite him with ane deidlie fluxe quhairof within thir foure dayes he is in worse cais and no lyfe looked for him. Lykeas his poore wife hes beene ever in closse waird with him since the first day of August last, who hes lykewayes contracted anie heavie sicknesse and lyes bedfast, and neither of thame is able to releeve nor helpe another." He therefore craves their Lordships' warrant to the provost and bailies of Edinburgh and the keeper of their tolbooth to suffer his chamber door to stand open so that he may have free air at doors and windows. The Lords being truly informed of the truth of what is here represented, grant warrant as craved, provided that "the doore of the turnepyke quhilk closes both chambers be alwayes keeped fast;" and to give access to the ministers of Edinburgh for conference with the supplicant and ministering comfort to him in his weak condition; and they likewise ordain that his wife shall have permission to go out and in to the tolbooth as she may think fit "for the benefit of the free air."

Complaint by Thomas Kirkpatrick of Closeburn against John Dalrymple in Waterside, from whom he supplicates protection.

Complaint by Thomas Kirkpatrik of Closburne, as follows:—During the period of their Lordships' protection to him for dealing with his creditors he has paid Bryce Sempill 7000 merks, Robert Charters 6000 merks, and Mr. William Douglas 1000 merks; and he has also arranged with some other creditors for small sums by paying their interests till next Whitsunday. But John Dalrumpell in Waterside, taking advantage of a horning executed against the complainer by Andrew Wilsoun of Fol. 319, a.

Decreta, March 1631-April 1632. Fol. 319, a.

Gargband, to whom he has paid not only his interests but part of the principal sum due, intends to trouble him and debar him from pursuing his actions before the Lords of Session, against which he craves their Lordships' protection. Charge having been given to the said Andrew Wilsoun, and both he and the pursuer being personally present, and the pursuer having faithfully promised in presence of the Lords to pay up the principal sum and arrears due by him to the said Andrew Wilson before next Whitsunday, the Lords continue his protection, but only against the said Andrew Wilson until that date, declaring that if he fail in keeping his promise no further protection will be granted to him against this claim.

Fol. 319, b.

Complaint by John Lands, merchant burgess of Edinburgh, against Janet Heuche for unjustly objecting to his obtaining protection.

Complaint by John Lands, merchant burgess of Edinburgh, as follows:—During the period of his late protection he has taken order with the greater part of his creditors, and when he petitioned their Lordships for an extension in order to complete the work, objection was made by Janet Heuche as the assignee of Alison Baxter, for whom he was cautioner in 200 merks, and to whom he has offered all the satisfaction in his power, whether it be infeftment of land or any other condition she can crave or he can grant; yet, though she is only assignee, and the principal party is quite willing that he obtain a protection, she obstinately refuses. Charge having been given to the said Janet who, with the complainer, compeared and consented to the continuation of his protection till 1st June next, the Lords grant him a protection till that date, but against her claim only, and ordain him to pay to her the arrears of interests due.

Fol. 320, a.

Complaint by Jean Hamilton, daughter of the deceased Patrick Hamilton of Samuelston, against William Ogle of Popplerule for assault.

Complaint by Jean Hamiltoun, lawful daughter of the deceased Patrick Hamiltoun of Samuelstoun, as follows:—On 5th January instant, when she was in the town of Poppill on her mother's business, William Ogill, of Poppillrule, without any cause, assailed her with "ane great corn forke wherewith he gave her twa cruell wounds on the foreheid" to the great effusion of blood and peril of her life, "so as continuallie thereafter she swownes." Charge having been given to the said William Ogill, and the pursuer compearing but not the defender, the Lords, after hearing witnesses, find the charge proven, and ordain the defender to enter himself in ward in the tolbooth of Edinburgh and there remain until released by them. They further direct that each witness be paid two merks by the producer; and declare that as they have taken cognisance of this complaint the defender shall not be liable to be fined or imprisoned for the same by the sheriff of Hadintoun or any other inferior judge.

Acta January 1631-May 1632. Fol. 111, a.

Holyrood House, 24th January 1632.

Sederunt—Chancellor; Privie Seal; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskine; Lord Melvill; Clerk Register; Sir John Scot.

Letter of his Majesty desiring that the trial of the rentals of the Earldom of Bothwell may be postponed owing to the necessary detention of the Earl of Buccleuch on his Majesty's service.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes; —CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers and right trustie and weilbelovit counsellers, we greit you weill. Whereas we ar informed that you have of lait appointed the nyntene day of this month for the compeirance of all those that ar interested in the estait of the erledom of Bothuell to heare your proceedings concerning the rentalls of the said erledome, seing our right trustie and weilbelovit cousine and counsellour, the Erle of Buccleuche, cannot repair to that our kingdome for considerations knowne to us at the day prescribed by yow, our pleasure is that what may concerne the said Erle in the tryell of the rentalls of the said erledome of Bothuell yow continew the same till the fyftene day of Februarie ensewing, and to that effect that yow caus intimat this our pleasure to suche persons as yow sall find it may concerne; Which recommending to your care, we bid you farewell. Frome our Court at Whitehall, the 17th day of Januar, 1632." Acta January 1631-May 1632. Fol. 111, a.

Letter from his Majesty anent the trial of Lord Ochiltree.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Having considderit of your letter concerning the Lord Uchiltrie and of the processe sent thairwith, we doe conceave no necessitie of anie further directioun than wes formerly givin, and it is our pleasure that yow proceed according thereunto in the ordinarie way of justice for his tryell. And as for the doubt arysing about the confronting of the said Lord with the Lord of Ree, they wer confronted before the Committee appointed by us for that purpose in all such things as wer thought fitt to be cleered betweene thame at that tyme; and if anie difference doe arise in that kynde whairof yow desire to be resolved, acquaint us thairwith and answer sall be returned with diligence. So expecting your best endeavours for a fair and legall tryell we bid yow farewell. Frome our Court at Whitehall, the saxteen day of Januarie, 1632. Quhilk letter being heard and considderit be the saids Lords they continew the advising of the said letter till Thurisday nixt." Fol. 111, b.

Anent persons who have failed to keep the diets for the valuation of teinds.

"Forsameekle as it is understand to the Lords of Privie Counsell that there hes beene a small progresse in the Commissioun for the Surrenders be reasoun that the parteis having interesse in the valuations hes not keeped thair dyets appointed unto thame nather before the Commissioun nor Committee, so as it hes oft tymes fallin out when the Commissioners hes attendit, no parteis, altho lawfullie warned, compeired nather to persew nor defend, bot suffered thair dyets to desert;

cta January 31-May 1632. ol. 111, b.

thairfoir the saids Lords ordains letters to be direct charging all parteis having interesse in the saids valuatiouns to compeir before the Commissioun and Committee at the dyets to be appointed for discussing and approving the saids valuatiouns, with certificatioun if they compeir not that the Committee and Commissioun will proceid and approve the valuatiouns as they sall be givin in, and the said valuatioun sall stand in force ay and quhill parteis pretending to be interest and hurt in the saids valuatiouns gett redresse and reparatioun of thair hurt be the ordinar course of justice."

ol. 125, b.

Letter from his Majesty renewing letters of marque to the partners of the deceased Captain Robertson against Hamburghers. See Index to Vol. III., (Second Series). [Omitted out of its proper place in the Register.]

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas upon your representing to us the great losse susteanned be Captane Robertsone, latelie deceased, and the contempt offered to us by some Hamburgers, we wer pleased to grant to him and his partners letters of reprisall; being now informed of his modest cariage before his death in his patient suffering of his losses without anie violent course takin be him aganis anie of the Hamburgers during suche tymes as yow (out of a respect to that state) had prescribed, and that now both the tyme limited is expired and yitt no satisfactioun givin to him before his death nor since to his partners, we ar gratiouslie pleased upon humble sute made unto us in behalfe of Androw Ainslie, Johne Couan, George Arnot, and others his partners, and of his wedow and childrein, that yow grant unto anie persoun whome they sall mutuallie appoint for that purpose letters of reprisall of new according to the trew intent and provisiouns mentiouned in the former; and to that effect that yow give order for

sl. 126, a.

expeding thairof under our great seale; and for your so doing these presents sall be unto yow and our Chanceller, and all others whome it may concerne, a sufficient warrand and discharge. So we bid yow farewell. Frome our Court at Whitehall, the 16 day of Januar, 1632. Quhilk missive being heard and considderit be the saids Lords they ordane the partners to produce this day aucht dayes thair new signatour, thair old commissioun and all others letters quhilks they have concerning this purpose."

[Sederunt as recorded above.]

Secreta, March 1631-April 1632. Vol. 320, b.

Holyrood House, 24th January 1632. Complaint by John Maxwell of Threemarkland, Constable of the Threeve, and Steward-depute of Kirkcudbright,

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and James Maxwell of Threemerkland, constable of the Threeve and Steward-depute of Kirkcudbright, as follows:—The said steward-depute has lately been charged by Patrick McClellane, messenger, to apprehend John Riddick of Dalbetie in terms of letters of caption raised at the

against the magistrates of Kirkcudbright for refusing to ward a rebel presented by the complainer.

instance of John, Agnes, and Rosina Riddick, lawful children of James Riddick of Grange, and James Bryssoun, now spouse to the said Agnes, and the complainer, out of a desire to do the duty of his place, required the messenger to show him where the rebel was and to concur with him in his apprehension, which he very undutifully refused to do. Notwithstanding thereof the complainer went and with great trouble apprehended the said rebel and brought him on 22nd August last, the second day after he was charged, to William Foullertoun, provost of Kirkcudbright, and after showing him the charge for apprehending the said rebel, desired him to place the prisoner in the tolbooth of Kirkcudbright, as being the head burgh of the said stewartry, and the ordinary jail thereof. To this the said provost seemed to agree; and yet out of his affection for the prisoner he earnestlie suggested that the matter might be drawn to an agreement. For this effect Marion McNaught, spouse to the said provost, as taking burden for John McNaught, indweller in Edinburgh, at whose instance the letters were executed, consented to take the said steward-depute's bond that he would agree with his party before 1st November next under the penalty of 400 merks, and the said provost undertook to relieve the said steward-depute at the hand of the messenger. But, as it appears, they only wished to draw the complainer under the said rebel's debt, they shortly afterwards resiled from that agreement, looking that he would suffer the rebel to escape. The complainer was accordingly forced to bring the rebel about 8 o'clock at night to the said provost's dwelling house to be entered by him in ward; but the provost absented himself and his wife took instruments that it was under night, when no magistrate was bound to receive rebels. The complainer took with the rebuff, but gave notice to the provost to be ready in the morning with the bailies to take the said rebel off his hands. Accordingly in the morning he sent Thomas McClellane of Colline, another steward-depute, to desire the provost to do his duty; but the provost refused, declaring that he would rather incur the danger of the sum and the censure of the Council than commit the said rebel. Thereupon the complainer went with the rebel to the provost's dwelling house, but the provost absented himself. He then took him to the dwelling houses of John Ewart and William McIlmichen, bailies of the said burgh, who also absented themselves and refused to receive the rebel. The complainer was then forced to carry him through the town to the tolbooth himself to deliver him to the jailer there; but the jailer at the direction of the said magistrates locked the jail and went away taking the keys with him; whereupon the complainer committed the rebel "within the turnpyke yett of the tolbuith, made the utter yett fast upon him," and then coming to the Cross of Kirkcudbright, made public intimation of his diligence in the premises. Notwithstanding hereof the said magistrates suffered the said rebel to escape. Afterwards, on the complainer learning that the said rebel was

Decreta, March 1631-April 1632. Fol. 320, b.

Fol. 321, a.

Decreta, March 1631-April 1632. Fol. 321, a.

making out of the country, on 25th August he followed after him for 24 miles a whole night, and apprehending him at the farthest part of the stewartry, brought him upon the 26th to the said William M^cIlmichen and desired him to commit him. This he "verie proudlie refuised, lap on horseback and raid away." Then he took him in turn to the dwelling houses of the provost and each of the bailies, who every one absented himself; and afterwards to the jailer, who acted as on the former occasion. Whereupon the complainer repeated his imprisonment of the rebel within the turnpike gate, and made intimation as before at the market cross; and that the said magistrates might not pretend ignorance of the warding of the said rebel, he left his servants there in charge of him for three hours; nothwithstanding whereof the saids magistrates suffered him to escape. Though the complainer has thus done his duty in the matter, the messenger who first refused his concurrence to him has now denounced him rebel for not apprehending the said John Riddick. Charge having been given to the said William

Fol. 321, b.

Foullertoun, John Ewart, William M^cIlmichen, and Patrick M^cClellane, and pursuer and defenders compearing, the Lords, in respect that there is no riot or violence libelled, remit the complaint to the Lords of Council and Session as the competent judges in such a case, and ordain the pursuer to pay the witnesses produced, every horseman £10 and every footman £4, with this declaration that if he prevail in the case before the said Lords of Session he will have repetition of these expenses from the defenders.

Complaint by William Kirk of Blairhall and Margaret Donaldson, his spouse, against James Crawford for assault.

Complaint by William Kirk of Blairhall and Margaret Donaldsoun, his spouse, as follows:—On 21st July last James Crawfurd at the Mill of Muckart came to their lands in Blairhill and in a most lawless way "kuist fowsseis and stanks upon the saids lands, and when as the said William reproved him he cruellie invadit and persewed him of his lyfe with swords and others weapouns, hurt and woundit him thairwith on the armes and legs, stogged him in the bellie, kuist him to the ground, cruellie birsed and bruised him in diverse parts of his bodie, band his hands behind his backe with his awne hors helter, kuist him in the said stanke bound hand and foote and left him lying there in a great tempest of wind and weit to the hazard of his lyfe. And upon the morne thereafter the said James come to the compleaners said spous, cruellie hurt and woundit her with his falded neiffes, kuist her in the said water and stanke where she lay a long tyme in the perrell of her life, and shortlie thereafter parted with barne." The pursuers and

Fol. 322, a.

defenders compearing personally and probation being referred to the defender's oath of verity, who deponed negative, the Lords assoilzie him.

Complaint by Grissell Lyn, widow of Andrew Christie in Leith, against

Complaint by Grissell Lyn, widow of Andrew Christie in Leith, as follows:—She is due the sum of 400 merks to James Dalgleisch, merchant burgess of Edinburgh, by bond, and she has satisfied him for this sum till Whitsunday next, and received a ticket from him in which he con-

James Dalgleish, merchant burgess of Edinburgh, and others for illegal warding.

sented not to trouble her for it till then. Yet on 20th instant he dealt with William Dick, bailie, and by wrong information moved him to commit her to ward until she should find caution according to law; and since being in ward she has further been arrested there by Barbara Purves, widow of Alexander Broun, Henderson, Lady Boghall, Leslie, her spouse, and David Thomesoun, indweller in Edinburgh, all without any process of horning or caption or decreet or sentence against her. Charge having been given to John Smith, one of the bailies of Edinburgh, for himself and in name of the provost and remanent bailies, to produce the complainer, and to the said James Dalgleische, Leslie for himself and his spouse, and Barbara Purves, and all parties compearing, the pursuer produced the discharge granted to her by the said James Dalgleische bearing a continuation of 400 merks of principal and 40 merks of annual rent till Whitsunday next, which the Lords having seen and considered, and having heard parties, they find that the pursuer was unlawfully apprehended at the instance of the said James Dalgleische, and they therefore ordain the provost and bailies of Edinburgh to put her to liberty notwithstanding of the other arrestments made upon her while in ward, which they declare to be invalid.

Decreta, March 1631-April 1632. Fol. 322, b.

Complaint by John, Lord Loudon, against John Campbell of Schankiston and Robert Wallace of Barnweill, sub-commissioners for the Presbytery of Ayr, and James Chalmers, notary, for refusing to give extracts of valuations in which the complainer is interested.

"At Halyruidhous the twentie fourt day of Januar, the yeere of God jmvjc threttie twa yeeres, anent our soverane lords letters raised at the instance of Johne, Lord Loudoun, makand mentioun that where the valuatiouns of the kirks of Uchiltrie, Cumnock, Tarbowtoun, Quiltoun, and Dalmellingtoun being long agoe sattled and concluded before the sub-commissioners of the Presbyterie of Air, and the said Lord having earnestlie dealt with thame and thair clerk for ane extract of the saids valuatiouns to the intent he might have tane some course and order for the teinds of his lands within the saids parishes and that his Majesteis annuitie might be cleered and the kirks planted with competent stipends, nevertheles he can be no meanes nor intreatie gett ane extract of the saids valuatiouns, bot they ar concealed and holdin up frome him as if they had never beene deducit." Charge having been given to John Campbell of Schankistoun and Robert Wallace of Barnweill, sub-commissioners, and James Chalmers, notary, their clerk, to have brought and exhibited the valuations of the said five kirks before the Commissioners for the Surrenders and Teinds, so that an extract might have been given to the said Lord for the purposes above stated; and the case being called before the Commissioners on 20th January instant, when the said Lord compeared but none of the persons charged as above, nor yet were the valuations sent; and the said Commissioners having this day made report of their disobedience to the Lords of Council, their Lordships direct that the said John Campbell, Robert Wallace and James Chalmers be put to the horn and escheat.

Fol. 323, b.

Acta January 1631-May 1632. Fol. 111, b.

Sederunt—Chancellor; Privy Seal; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Areskine; Tracquair; Clerk Register; Sir John Scot. Holyrood House, 26th January 1632.

"The Lords of Secreit Counsell ordains and commands Sir Thomas Hope of Craighall, his Majesteis Advocat, to proceid and insist in the persute of the Lord Uchiltrie upoun the first day of Februarie nixt, whiche is the dyet whairunto the actioun wes continewed." The trial of Lord Ochiltree.

Royal Letters, 1628-33. Fol. 207, a.

"CHARLES R., Right, etc. Being informed that upon some considerationns we wer pleased not long since to grant ane protectioun to Sir Johne Leslie of Wardes and a certane nomber of his cautioners from being troubled be thair creditours for some short tyme, and hearing that a nomber of the said Sir Johne Leslie his cautioners wer omitted in the said protectioun whairby thair estaits are lyke to be seazed upoun, we have thought fitt for thair better ease to recommend speciallie to yow that these cautioners omitted, whois names sall be givin up to yow, performing to thair creditours suche things as ar mentiouned in the said protectioun, the lyke in all respects be grantit to thame, and that the same be immediately exped without further trouble to us under our great seal, for whiche these presents sall be unto yow, our Chancellour, and others whome it may concerne, a sufficient warrand; we bid yow farewell. Frome our Court at Whitehall, the 28 of Januar, 1632. Whitehall, 28th January 1632. Letter from his Majesty requiring that protection be granted to the remaining cautioners for Sir John Leslie of Wardes.

Decreta, March 1631-April 1632. Fol. 322, b.

Sederunt—Chancellor; Wintoun; Lauderdaill; Areskine; Bishop of Dunkeld; Dumblane; Tracquair; Clerk Register; Justice Clerk; Sir John Scot. Holyrood House, 31st January 1632.

Supplication by Hugh Wallace of Cragie, knight baronet, and William Wallace of Ellerslie, William Wallace of Preistickshaw, Robert Wallace of Barnweill, Robert Wallace of Brighous, John Tait of Adamehill, Mr. John Hamiltoun, minister at Cragie, Andrew Crawfurd of Drings, Mr. John Chalmers of Poquharne, Paul Glover of Trinitieland, John Wallace of Sheillis, and James Wallace of , cautioners for the said Sir Hew to David Cuninghame, his Majesty's servitor, Nicol Udward, Robert Smith, and William Cuninghame of Drongin, as follows:—The protection granted to the said Sir Hew and his cautioners expires on 2nd February next, and as the object of it was that he might attend upon the Lords of Exchequer for receiving payment of the £20,000 agreed upon for his surrender, which he was to assign for the satisfaction of his creditors, but of which he has received no payment, it is necessary that their Lordships should still continue his warrand, which accordingly he craves. The Lords ordain the said Sir Hew to summon the creditors against whom he seeks protection before them on 29th March next to hear the same granted, and meanwhile they continue his present protection till 1st April next. Supplication by Sir Hugh Wallace of Craigie and certain of his cautioners for continuance of protection to the said Sir Hugh.

Fol. 323, a.

Protection to Sir John Scot of Newburgh.

"The lyke warrand prorogat to Sir Johne Scot of Newburgh for attending his actiouns aganis Andrew Scot till the first of Marche nixt." Decreta, March 1631-April 1632. Fol. 323, a.

Case of Patrick Dickson, Papist, servitor to William, Earl of Angus. See *ante*, p. 377.

Patrick Dicksoun, servitor to William, Earl of Angus, compearing for satisfaction of the act whereby the said Earl was obliged to exhibit him this day, desired that as he had now fitted his accounts of the said Earl's estate, and the "Erle had quit his service," that the said Earl might now be exonered of all further exhibition of him, and that he might be allowed some time for removing his wife and a young child of thirteen weeks of age from the place of Dowglas and for satisfying the Kirk anent his religion. The Lords, in respect of this compearance, relieve the said Earl of all further responsibility in the matter, but take the said Patrick personally bound to appear before them on the first Council day of March next and then to underlie their order in respect of his religion, and meanwhile to live free of scandal, repair to the church, confer with the ministry, and not reset Jesuits nor priests nor confer with them under the penalty of £500.

Holyrood House, 31st January 1632. Sir William Ker, son to Sir Robert Ker of Ancrum, created Earl of Lothian in virtue of his marriage with Anne Ker, daughter to the late Earl of Lothian.

"The quhilk day the Lord Chancellor produced ane patent under his Majesteis great seale, bearing dait at S^{t} James the last day of October, 1631, by the whiche his Majestie hes beene gratiouslie pleased in consideratioun and for respect of the mariage past and celebrat betuix Sir William Ker, sonne to Sir Robert Ker of Ancrome,[1] gentleman of his Majesteis bedchamber, and Anne Ker, daughter to the lait Erle of Lothiane, and for that the said Sir Robert hes upon his awne proper charges and expenses redeemed the lordship of Newbottle frome the hands of the persons comprysers thairof and hes provided Jeane Ker, secund daughter to the late Erle, to a sutable and competent meanes and provisioun, to make and create the said Sir William Ker and the airis male lawfullie procreate betuix him and the said Ladie Anna Ker, whiche failleing, the said Sir William Ker, his airs male bearing the name and armes of the Erles of Lothiane and lordship of Newbottle, Earles of Lothian and Lord Ker of Newbottle, whiche patent was delyvered to the said William, Erle of Lothiane, who, being personallie present, accepted the same with all humilitie upon his knees, acknowledging his Majesteis gratious favour and promising his best services and faithfull endeavours to prove worthie of the same." Sederunts, November 1629-January 1635. Fol. 73, a.

Holyrood House, 2nd February 1632.

Sederunt—Chancellor; Wintoun; Linlithgow; Dunkelden; Dumblane; Areskine; Justice Clerk; Sir John Scot. Decreta, March 1631-April 1632. Fol. 324, a.

Supplication for protection by Ralph Ker of Redpath and Robert Ker, his son

Complaint by Ralph Ker of Ridpeth and Robert Ker his son, fiar thereof, as follows:—They are cautioners for the goodman of Chatto in certain great sums of money, and on his death, fearing that his creditors would come upon them, as they could not meet them and their own, the

[1] Afterwards (1633) Robert, first Earl of Ancrum.

Decreta, March 1631-April 1632. Fol. 324, a.

said Robert fled to England, where he now is. As their conjunct cautioners have now undertaken to bear equal burden and their friends have offered a helping hand they crave their Lordships' protection to come to Edinburgh for the settling of their affairs. Charge having been given to John Ker of Lochtour, John Halyburtoun of Mertoun, John Winrahame, burgess of Edinburgh, James Forsythe there, Isobel Allane, widow, John George, Mr. David Gourlay, Mr. Thomas Ridpeth, Martin Leitche, Mr. James Wilkie, Mr. Harie Chaip, Robert Monteith, Mr. Adame Persoun, Andrew McDougall, Mr. Adam Hepburn for the Lord Lindsey, Walter Borthuick and James Bannatyne, to object if they saw cause, and the pursuers appearing by Mr. Alexander Hepburne, their procurator, and of the others, John Ker of Lochtoure, John Halyburtoun of Mertoun, James Forsythe, Isobel Callane [*sic*], Martin Leitch, Andrew McDougall, and Walter Borthuick, who all consent (without prejudice to the said James Forsythe to pursue their cautioners), the Lords grant their protection as craved until 1st April next.

Cautioners for the goodman of Chatto.

Fol. 324, b.

Complaint by Nicol Mushet of Boghall and others against James Wright in Noriestou for illegally seeking to put them to the horn.

Complaint by Nicol Muschett of Boghall, James Norie of Norestoun, Alexander Norie, his son, Andrew Spittell in Boghall, and John Duncan in Spitteltoun, as follows:—They are informed that they have been put to the horn at the instance of James Wright in Norestoun for failing to compear before their Lordships on 8th December last to answer to a complaint of violently apprehending and imprisoning the said James in the Castle of Downe. Now, they were never lawfully charged, for the copy of their charge bore that their compearance was to be on 16th December, which they aver shows the malicious design of the said James Wright to take an unjust advantage of them. However, they have found caution to appear before their Lordships on 19th January and to pay £20 as their escheat, if it should be decerned that they do so. The pursuers compearing by , their procurator, but James Wright not compearing, the said procurator produced a rolment of the court of the Stewartry of Monteth showing that the said James Wright was fined £50 for wounding James Norie, servitor to Nicol Muschet, in various parts of his body, and for non-payment was lawfully committed. The Lords ordain that the pursuer's horning shall be suspended, and have no effect in time coming.

Fol. 325, a.

Protection to John Ahanna of Sorbie.

"Ane protectioun to Johne Ahanna of Sorbie and Alexander Cuninghame of Powtoun to the sevintene day of Februarie to deale with the Erle of Galloway anent his satisfactioun."

Acta January 1631-May 1632. Fol. 111, b.

Holyrood House, 7th February 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Dunkeld; Dumblane; Lord Areskine; Master of Elphinstoun; Advocate; Justice Clerk; Sir John Scot.

Charge to William Cunningham of

"Forsameekle as it is understand to the Lords of Secreit Counsell that there is some trouble and contraversie latelie fallen out betuix Williame

Waterston and Hew Montfode of that Ilk to appear before the Council on the 21st of February and meanwhile to keep the peace.

Cunninghame of Waterstoun on the aue part, and Hew Montfode of that Ilke, on the other part, whilk will not faile to produce sindrie inconvenients to the breake of his Majesteis peace without remeid be provydit, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging both the saids parteis to compeir personallie before the Counsell upon the twentie ane day of Februarie instant to underly suche order as sall be tane with thame for observing his Majesteis peace, under the pane of rebellioun, etc., with certificatioun, etc.; and in the meane tyme to command and charge both the saids parteis to keepe good rule and quyetnes in the countrie, and that nane of thame presoome nor take upon hand to invade, persew, trouble or molest one another for whatsomever deid, caus or occasioun, otherwayes nor be order of law and justice, either of thame under the pane of twa thowsand merkes; certifeing thame that does in the contrair that they sall be decerned to have incurred and to incurre the said pane, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis Thesaurar, Deputie Thesaurar and Receavers of his Majesties Rents in his Majesteis name and to his Majesteis use in forme as effeirs." Acta January 1631-May 1632. Fol. 111, b. Fol. 112, a.

Further postponement of Lord Ochiltree's trial.

"The Lords of Secreit Counsell for good respects and considerationns moving thame, ordains and commands his Majesteis Justice, Justice Clerk and thair deputs, to continew the dyet appointed for the tryell of the Lord Uchiltrie upon the crymes whairof he is accused before thame till the fyftene day of Februarie instant, quhereanent the extract of this act sall be to thame ane warrand."

Warrant for letters of reprisal against the Hamburghers granted to Captain Orrock and Captain Scot, for satisfaction of the losses sustained by the late Captain Robertson. See *ante*, p. 413.

"The quhilk day ane signature conteaning ane warrand for letters of reprisall to be grantit to Captane Orrock and Captane Scot aganis the Hamburgers for satisfactioun of the losses susteanned be umquhill Captane Robertsone and his partners wes read, past and allowed in Counsell, and the same ordained to be sent up to his Majestie to be disposed of as his Majestie sall thinke fitting, for quhilk purpose ane letter wes writtin to his Majestie, of the quhilk the tennour followes:— Fol. 126, a.

Letter of Council to his Majesty anent the same.

"Most sacred Soverane. Upon recept of your Majesteis letter direct unto us in favours of umquhill Captane David Robertsone and his partners, having considderit the reasouns exprest therein and the great losse susteanned by thame, quhairof as yitt they have receaved no redresse nor satisfactioun frome the Hamburgers, we have in all dewtifull obedience to your Majesteis royall command exped new letters of reprisall unto thame. Bot in regarde we understood by a letter frome the Vicount of Dorchester, your Majesteis principall Secretarie for England, that it wes your Majesteis pleasure that the former letters of reprisall and the executioun thairof sould be stopped (whiche we conceave to have beene done upon good and considerable respects) and that your Majesteis letters to the State of Hamburgh and the answers returned thereto, whiche wes the warrand of the first proceedour ar extant upon record there, we have forborne to delyver the letters of

Acta January 1631-May 1632. Fol. 126, a.

reprisall to the partie, and have thought good yitt as of before to send up the same to your Majestie, humbelie intreatting your Majestie to take this mater and the consequence thairof to your grave and wise consideratioun and after dew tryell of the ground and reasouns of the

Fol. 126, b.

Hamburgers thair refuisall or delay to have done justice within the tyme prefixt be your Majesteis letter direct to thame for that effect to take suche a course therein as may be justifiable in law and further your distressed subjects to thair dew satisfactioun. And so praying God to blesse your Majestie with a long and happie raigne, we rest, etc. Halyrudhous, 9 February 1632. *Subscribitur*, Dupline, Hadintoun, Wintoun, Linlithgow, Lauderdaill, Dunkelden, Dumblane, Hamiltoun, S^r^ Thomas Hop, S^r^ G. Elphinstoun."[1]

Decreta, March 1631-April 1632. Fol. 325, a.

[Sederunt as recorded above.]

Holyrood House, 7th February 1632.

Fol. 325, b.

Complaint by Andrew Kinloch, merchant burgess of Edinburgh, as follows:—On 28th June, 1622, Thomas M^c^Clellane of Colline and Thomas M^c^Clellane of Barmagachane, were put to the horn for not paying him a debt of 4950 merks and 600 merks of expenses; and on 22d May, 1621, the said Thomas M^c^Clellane of Colline and William M'Clellane of Sammuck were put to the horn at the instance of Edward Forrester, Commissary of Kirkcudbright, for not paying him the sum of 1200 merks and £100 of expenses, to which sums the complainer has also right by assignation. Of these hornings these persons take no heed. Charge having been given to the said Thomas M^c^Clellane of Colline and

Fol. 326, a.

Thomas M^c^Clellane of Barmagachan, and the pursuer compearing but not the defenders, the Lords ordain the Steward of Kirkcudbright and his deputes to be charged to search for, apprehend and ward the said defenders, and keep them in ward until they be orderly relaxed from thair hornings; also to seize their houses and goods and report the same by inventory to his Majesty's Treasurer, within three days on pain of rebellion.

Complaint by Andrew Kinloch, merchant burgess of Edinburgh, against Thomas M'Clellan of Colline and Thomas M'Clellan of Barmagachane who are at the horn at the instance of the complainer, but contemptuously disregard the sentence.

Sederunts, November 1629-January 1635. Fol. 73, b.

"The quhilk day ane signatour conteaning ane warrand for letters of reprysall to be granted to Captane Orrock and Captane Scot aganis the Hamburgers for satisfactioun of the losses susteanned be umquhile Captane Robertsoun and his partners wes read, past and allowed in Counsell, and the same ordained to be sent up to his Majestie to be disposed of as his Majestie sall thinke fitting; for quhilk purpose ane letter wes writtin to his Majestie."

Holyrood House, 7th February 1632.

Anent the letters of reprisal to Captains Orrock and Scot.

See *ante*, p. 420.

Acta January 1631-May 1632. Fol. 112, a.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Lauderdaill; Bishop of Dumblane; Areskine; Melvill; Tracquair; Master of Elphinstoun; Clerk of Register; Justice Clerk.

Holyrood House, 9th February 1632.

[1] This letter is also recorded in the Council's Register of Letters, fol. 204, a.

Anent his Majesty's approaching visit.

"The Lords of Secreit Counsell ordains and commands Johne, Lord Tracquair, Deputie Thesaurar, Sir Johne Hamiltoun of Magdalens, Clerk of Register, Sir George Elphinstoun, Justice Clerk, and Sir James Baillie of Lochend, to conveene the maister housholders and others officiars, and to consider what is fitting and necessar to be prepared and provided for his Majesteis heerecomming and to report upon Tuisday nixt." Acta January 1631-May 1632. Fol. 112, a.

Anent his Majesty's houses and their fitness to receive him.

"The Lords of Secreit Counsell ordains and commands the committee formerlie appointed for surveying his Majesteis houses to visite the same of new and to consider in what caise they ar, and if the maisters of worke have fulfilled that part whiche by the contract past betuix thame and his Majestie they ar obliged to performe, and what forder is fitting to be added and done for his Majesteis contented and commodious receptioun, and to report so soone as convenientlie they may."

Holyrood House, 9th February 1632.

[Sederunt as recorded above.] Decreta, March 1631-April 1632. Fol. 326, a.

Complaint by James Wright in Norieston and Helen Calder, his mother, against James Norie of that Ilk and Alexander Norie, his son, for assault and hamesucken. Charge found unproven, and James Wright committed to the Tolbooth of the Canongate.

Complaint by James Wright in Norestoun and Helen Calder, his mother, as follows:—On , 1628, James Norie of that Ilk, and Alexander Norie, his son, came to the said Helen's kiln, where she was "keeping and attending her malt and without anie offence done be her to thame patt violent hands in her persoun, hurt and woundit her to the effusioun of her blood, band her as ane theefe with thair garters, tooke away all her malt and left her bound, as said is. Lykeas about the same tyme the saids persouns come be way of hamesuckin to the said James Wrights dwelling hous, brake the doores thairof up, tooke him furth perforce, hurt and woundit him in diverse parts of his bodie to the great effusioun of his blood, band him with bow strings and cords, and brought him as ane theefe with thame to the tolbuith of the Cannogait where they keeped him in great miserie 18 weekes." Charge was given to the said James and Alexander Norie, and in the letters it was provided "that if the compleaners prove not this complaint aganis the said Alexander Norie that in that caise they sall be exemplarlie punished in persouns and goods to the terrour of others." James Wright, compearing for himself and his mother, and the said Alexander Norie being also personally present, and probation being referred to the defender's oath of verity, who denied the charge, the Lords assoilzie him therefrom. And because the pursuer "has maliciouslie persewed the defender upon this complaint and succumbed in proving thairof," the Lords, in terms of the provision foresaid, ordain him to be committed to ward within the tolbooth of the Cannogait and remain therein upon his own charges until they release him. Fol. 326, b.

Holyrood House, 9th February 1632. Anent the form of the coronation.

"A letter to the Secretarie to consult his Majestie anent the forme of coronatioun, and another to the Thesaurar to certifie backe with diligence his Majesteis jests and the nomber of his Majesteis trayne." Sederunts, November 1629-January 1635. Fol. 74, a.

Sederunts, November 1529-January 1535. Fol. 74, a.

"Charges aganis the bailleis. of Leith to exhibite Marion Mure, prisouner in thair tolbuith, for witchecraft, upon Tuisday nixt, discharging thame in the meanetyme of all proceeding aganis her be vertew of the commissioun grantit to thame for that effect; and for this purpose ordanis Doctour Jollie and the persoun of Restalrig to be warned to that dyet." Case of Marion Muir in Leith, who is charged with witchcraft.

"That the Act of Estaits anent the pryces of victuall sett doun for the rule of importatioun and exportatioun of victuall may be produced upon Tuisday nixt to the effect order may be tane for restraining the importatioun of victuall from Ireland." The prices of victual.

Acta January 1631-May 1632. Fol. 112, a.

Sederunt—Chancellor; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Melvill; Advocate; Justice Clerk. Holyrood House, 14th February 1632.

Fol. 112, b.

"Forsameekle as the slaying, selling and buying of fleshe in tyme of Lent hes beene upon verie good respects and considerations by diverse acts of Parliament and Secreit Counsell straitlie prohibite and forbiddin within this kingdome under certane panes mentiouned and conteanned in the same acts, nevertheles the Lords of Secreit Counsell ar informed that diverse persouns of all ranks and qualities, preferring thair awne privat contentment to the obedience of the law, ceasses not in tyme of Lent to slay, sell and eate flesh at thair pleasure, to the great hurt of the commoun weale and contempt of all good order and governement. And whereas the persouns offending in this kynde presoomes of oversight and impunitie be reasoun of the connivence shawin unto thame in tyme bygane, quhilk is ane great enducement to thame to continew in thair wilfull contempt and breake of the law, thairfoir the Lords of Secreit Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persouns as darre heerafter presoome to violat the same in this point; and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree so ever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that nane of thame presoome nor take upon hand during this forbidden tyme of Lent to eate or make readie for eating anie kynde of flesh, under the panes following to be uplifted of everie persoun contraveening so oft as they failyie, that is to say, of everie erle ane hundreth punds, of everie lord ane hundreth merkes, of everie baron fourtie punds, of everie burges, oastler and commoun cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed: As alsua that no fleshers presoome nor take upon hand to sell or slay flesh during the tyme foresaid of Lent under the pane of fourtie punds so oft as they failyie; and by and attour the payment of the pecuniall soumes Proclamation against the buying, selling, and eating of flesh in Lent.

foresaids the offenders sall be punished in thair persons at the discretioun of his Majesteis Counsell. And siclyke to command and charge all and sindrie shireffs, stewarts, provests and bailleis within burgh and all others bearing anie publict office or charge within the kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictiouns have a speciall care and regarde to see this present act observed in everie point; and where they sall happin to discover anie persoun or persouns contraveening thir presents that they take notice of thair names and informe his Majesteis Counsell thairof, to the intent the offenders may be callit to thair ansuer and punished accordinglie." Acta January 1631-May 1632. Fol. 112, b.

Licence to the Lords of Council, Session, and Exchequer to eat flesh in time of Lent.

"CHARLES R. Charles, be the grace of God, King of Great Britane, France and Ireland, Defender of the Faith, to all and sindrie our lieges and subjects whome it effeiris, to whois knowledge thir our letters sall come, greeting. Forsameekle as we have givin and grantit, and be the tennour heerof gives and grants libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchecker, and to suche as sall accompanie thame at table to eate fleshe during this forbiddin tyme of Lent, and upon Wedinsday, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding whatsomever acts and proclamatiouns made in the contrair, whereanent and all paines conteanit therein we dispense be thir presents; discharging heirby our Justice, our Advocate and Justice Clerk, and all others our judges, officiars and ministers of our lawes of all calling, accusing or anie wayes proceiding aganis the saids Lords of our Privie Counsell, Sessioun and Exchecker or persons accompanying thame at table, as said is, or anie of thame for the caus foresaid, discharging thame thairof and of thair offices in that part *simpliciter* be thir presents. Givin under our Signet at Halyrudhous, the fourtene day of Februarie and of our raigne the sevint yeere, 1632. *Subscribitur*, Geo. Cancell., Lauderdaill, Dunkelden, Dumblane, Melvill, S. Thomas Hop, S. G. Elphinston." Fol. 113, a.

Further postponement of Lord Ochiltree's trial.

"The Lords of Secreit Counsell for good respects and considerations moving thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to continew the dyet appointed for the tryell of the Lord Uchiltrie upon the crymes whairof he is accused before thame till the last day of Februarie instant, quhereanent the extract of this act sall be to thame ane warrand."

Holyrood House, 14th February 1632.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 326, b.

Complaint by Rachel Scot against her husband, Robert Scot, for adultery and desertion.

Complaint by Rachel [name omitted, but "Scot" inserted in the margin], spouse of Robert Scot, some time of the Well, as follows:—"After manie wrongs done be the said Robert to the compleaner both in her persoun and conjunct fie and shooting her frome his companie," about

Decreta, March 1631-April 1632. Fol. 327, a.

which she has been frequently heard by their Lordships, they ordained "the said Robert to receave the compleaner in his companie and to permitt her to cohabite with him, as also they moved him to perfyte, subscryve and delyver to the compleaner ane contract of all and sindrie his lands, heritage, tacks, steidings, annualrents and soumes of money undispouned and dilapidat to her in conjunct fee and lyverent and to the childrein procreat betuix thame heretablie." But in contempt of their Lordships he left her and her poor family and went off to England with one Jean Ker, a daughter of the deceased Andrew Ker of Gredden, taking with him all the goods and gear he could have at that time, and there he remained with her "in the filthie cryme of adulterie all the last harvest." At the end of harvest the complainer went to England, "broght the said Jeane Ker furth thairof to the presbyterie of Middelbie, presented her before the brethrein of the same, and out of her affectioun to her said husband offered to forgive him all his bygane offences, provyding he would remaine at home with her and his childrein; nevertheles he hes left the compleaner and aucht childrein, quhairof foure are so young and weake that they cannot putt on thair cloathes, and since Martimes last they have had nothing bot what they have begged frome thair freinds; and in the meane tyme he interteanes the said Jeane in ane oastlerhous with all things necessar untill she be delyvered of her childe to him." When she raised inhibitioun against him upon the foresaid contract, he, to baulk this, sold the whole plenishing of his house, with his corn, horse, cattle, and sheep, locked up his house, cast forth the complainer and their children without allowing them clothes or any kind of furniture, and caused his creditors arrest all that remained undisposed of, with right to pursue for such sums as were due by him to her. He has by these means amassed about 3000 merks, with which, when the said Jean is delivered of her child, he intends going to England, and living there with her in adultery. She and her children will thus be brought to beggary. Charge having been given to the said Robert Scot, who did not compear, and the pursuer compearing and having been heard, together with the evidence of several witnesses, the Lords find "that the said defender hes behaved himselfe verie undewtifullie to his said spous, hes removed himselfe from hir companie and hes keeped companie with the said Jean Ker, who hes borne ane barne to him," and ordain him to be charged to enter into ward within the tolbooth of Edinburgh on six days, and there remain until order be taken with him in this matter, upon pane of rebellion; and they ordain his Majesty's Advocate to pursue him criminally before the Justice for his adultery.

Fol. 327, b.

Supplication by Archibald, Lord Lorne, anent an invasion of his hereditary

Supplication by Archibald, Lord Lorne, heritable Justice within the sheriffdoms of Argyle and Tarbet, the Isle of Bute and whole other isles south and north of this kingdom, as follows:—He is lawfully provided to the said heritable office, and he and his deputes are alone com-

jurisdiction of the Isles by the Sheriff of Bute.

petent judges of all criminal matters within the said bounds. He is informed, however, that several persons accused of witchcraft and other capital offences have lately been apprehended in Bute, and that James Stewart, Sheriff of Bute, and his deputes, or some other persons, intend to crave a commission from their Lordships to try them, which, if granted, will tend to the prejudice of the said office granted to him by his Majesty by patent under the great seal with all solemnities requisite. He therefore craves that their Lordships will decline to grant any commissions whatsoever for judging of criminal matters within the bounds of his commission. The Lords declare "that they will grant no commissioun to anie persoun or persouns whatsomever for trying, censuring or judging of anie criminall maters within the bounds of the said Lord of Lorne his commissioun or anie part thairof till the said Lord of Lorne be warned to the granting of the same and heard thereanent." Decreta, March 1631-April 1632, Fol. 327, b. Fol. 328, a.

Supplication for protection by Sir Lachlan M'Lean of Morven that he may appear before the Council in obedience to their summons.

Supplication by Sir Lachlan M°Claine of Morverne, knight baronet, as follows:—Their Lordships know the heavy burdens of debt he underlies for his father and elder brother, on account of which they assigned to him the living of Dowart, and how that notwithstanding they have meddled with the whole rent and left the supplicant to account with their creditors and debarred him from his native country, from which for fear of his life he has been obliged to flee. Their Lordships on this account have cited them to appear before them on March next, but seeing he cannot, because of the circumstances foresaid, take order with his creditors until, by the honourable dealing of their Lordships between his father and brother and him, some arrangement is made for this end, he craves their protection for the present security of his person. The Lords grant him this until 30th April next. Fol. 328, b.

Protection to John Ahanna of Sorbie and Alexander Cunningham of Powtoun.

"Another protectioun of the like tennour and nature grantit to Johne Ahanna of Sorbie and Alexander Cuninghame of Powtoun for dealing with the Erle of Galloway anent his satisfactioun till the last day of Februarie instant."

Holyrood House, 14th February 1632. Report of Doctor Gellie anent Marion Muir in Leith, who is accused of witchcraft.

"The quhilk day Doctour Gellie compearand personallie before the Counsell and being demanded what he knowes concerning anie disease or infirmitie of Marion Mure in Leith depons that ane nighbour of his awne callit Mure come to him and told him that ane aunt of hers dwelling in Leith wes visite with sickenesse and desired him to goe to Leith to visit her, and the depouner upon some necessar occasiouns not having tyme nor leasure to goe to Leith desired that the woman sould come up to the toun, whiche she did. And the depouner having conferred with her sayes that he fand some symptomes of hypocondriack distractioun in her; and having advised her to make choise of some apothecarie to whome he would give his directioun and advice what to prepare to her; but she being carelesse and negligent in that point the doctour medled no forder therein." Sederunts, November 1629-January 1635. Fol. 74, a. Fol. 74, b.

Sederunts, November 1629-January 1635. Fol. 74, b.

"The Lords ordains the bailleis of Leith with Mr Alexander Persoun, Mr David Prymrois and Mr Johne Sandelands, or anie twa of thame, to putt Marion Mure to the knowledge of ane assise and to confront her with Helene Hamiltoun and Mareoun Lumisdane before her death and to report upon Tuisday nixt." Marion Muir to be tried for witchcraft.

Acta January 1631-May 1632. Fol. 113, a.

Sederunt—Chancellor; Privy Seal; Gallouay; Lauderdaill; Dunkelden; Dumblane; Melvill; Advocat; Justice Clerk. Holyrood House, 16th February 1632.

"Forsameekle as Johne Balfoure in Corshous hes tane upon him the knowledge to discover persouns guiltie of the cryme of witchecraft by remarking the devills marke upon some part of thair persouns and bodeis and thristing of preins in the same, and upon the presumptioun of this his knowledge goes athort the countrie abusing simple and ignorant people for his private gayne and commoditie, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Johne to compeir personallie before the saids Lords upon Thurisday nixt the twentie thrid of this instant to answere to such things as sall be demanded of him tuicheing his knowledge on the discoverie of the cryme, aforesaid and how and by what meanes he hes the same, and to underlie such course and order as sall be tane thereanent under pane of rebellioun, etc., with certificatioun, etc." Charge to John Balfour to appear before the Council and give account of the means by by which he professes to discover witchcraft.

Fol. 113, b.

Decreta, March 1631-April 1632. Fol. 328, b.

[Sederunt as recorded above.] Holyrood House, 16th February 1632.

James Wright in Norestoun, compearing personally, enacted himself that on being released from the tolbooth of the Cannogait he will keep the peace and molest none of the lieges, under the pane of banishment and the payment of 500 merks to parties grieved. Obligation by James Wright in Norieston to keep the peace.

Complaint by Mr. Patrick Lindsay, Commissary of Brechin, as follows:—On 21st March last Isabel Muretoun, spouse of Robert Cowie, citiner in Brechin, came to him on the Hie Street of Brechin as he was going to his lodging "and in the publict mercat, quhilk at that tyme wes verie frequent, shamefullie railed upon him, calling him mensworne dog, perjured theefe of all theeves, condemned mensworne tyke, tratour to God and man, craving the heavie vengeance of God to be powred out upon him and all his, that the devill would take him both soul and bodie, threatning to ryve him in collops, to washe her hands in his heart blood and to burne him and all his hous. Quhilk imprecatiouns she redoubled in great furie and followed the compleaner to his loodging; and when he turned him about and desired her to goe home she despitefullie spatt thrise on his face and railed upon him as of before; and he having entered his hous, she, accompanied with ane hundreth persouns of the rascall multitude preast to have brokin up the doores and to have tane his lyfe, wer not they wer happilie stayed. And upon the morne Complaint by Mr. Patrick Lindsay, Commissary of Brechin, against Isabel Muretoun, spouse of Robert Cowie, and others for abuse and assault.

Fol. 329, a.

thereafter she come to Robert Finlasouns hous, opened the windowes thairof quhilks lookes to the compleaners yeard, where perceaving him she in great spite and malice renewed her former imprecatiouns aganis the compleaner. Lykeas upon the twentie ane of September last John Donaldsoun, citiner in Brechin, come to the compleaner upon the Hie Street as he was standing before his doore and said he wist not what held his hands bot he patt ane whinger throw him; and the compleaner having past into his hous he followed after him, threatning that the sunne sould not shine upon thame both bot he sould be revenged upon him. And in the moneths of Marche, Aprile, May, June and July last the said Isobell Muretoun, Robert Cowie, her spous, Johne Donaldsoun, Williame Burne, servitour to Walter Boneck, and John Quhite, cordonner in Brechin, brake up the compleaners loodging, tooke furth his plenishing with ellevin yrne stanchells out of the windowes and yairds, hurt, woundit and bled the maissons and wrichts and other workmen, threatning that they sould make Fendrauchts hous of his loodging, brake up the doores thairof, take his lyfe and putt poysoun in the walls of the same." Charge having been given to these persons complained upon, and the pursuer compearing personallie, also the said Robert Cowie, John Donaldsoun, Williame Burne, and John Quhite, and Robert Cowie producing a certificate signed by the minister and session of the kirk of Brechin that the said Isobell Muretoun, his wife, "is newlie delyvered of her birth" and so cannot travel, the Lords, after hearing parties, and certain witnesses produced by the pursuer, and the oaths of verity of certain of the defenders, assoilzie all of them from every part of the complaint.

Decreta, March 1631-April 1632. Fol. 329, a.

Fol. 329, b.

Supplication by Thomas, Earl of Haddington, and Lord Binning, his son, for the inspection of the evidents of the lordship of Jedburgh, which are now in the hands of the Master of Jedburgh.

Supplication by Thomas, Earl of Hadintoun, and Thomas, Lord Binning, his son, as follows:—In the process between the late Earl of Lothian and Sir John Ker of Littledane, a large number of the evidents and writs of the lordship of Jedburgh were placed in the hands of Alexander, Master of Elphinstoun, who has had the keeping of them for several years past. As these writs now belong to the supplicants in respect of their claim and title to the said lordship it is not only necessary that they should have inspection of them, but have a perfect inventory of them, and also that the writs themselves be not given up till they be called and heard. They crave that their Lordships would give order accordingly; and this the Lords do, ordaining the said Master of Elphinstoun to give inspection of the said writs to the supplicants or such as they shall appoint, with a perfect and clear inventory of the same, and not to deliver up any of them to any person whatsoever until the supplicants be first warned and heard.

Fol. 330, a.

Supplication by James Crawford, goldsmith, burgess of Edinburgh,

Supplication by James Crawford, goldsmith, burgess of Edinburgh, as follows:—James Persoun, as assignee of Robert Persoun, flesher in the Cannogait, his father, to a bond of 1000 merks and expenses (the justness of which debt is at present being considered by the Lords of

Decreta, March 1631-April 1632. Fol. 330, b.

Session), ignoring the cautionries under which the supplicant has long lain and still lies on their behalf, have maliciously stollen him to the horn, and threaten him daily with caption, whereby they intend not only to disappoint him of his actions against them, but to disgrace him by imprisonment. He therefore craves their Lordships' warrant for the security of his person. The Lords ordain a macer of Council to pass and charge the said Robert and James Persoun to compear on Tuesday next to hear the said protection granted or show cause why it should not; and meanwhile grant protection to the supplicant till 21st February instant. for protection from horning.

Royal Letters, 1623-33. Fol. 207, a.

CHARLES R., Right, etc. We doe send yow heere inclosed two crosse petitiouns, the one conteanning ane charge of so barbarous oppressiouns of the poore and the other so faire a professioun of innocencie as doe justlie deserve ane exact tryell and exemplary punishement of the delinquent. And becaus we can hardlie beleeve that anie gentleman would so muche wrong himselfe as ather to committ suche ane ryot, or, having done it, to pleade innocencie so confidentlie, nor, on the other part, that so meane ane accuser durst without great ground of truthe appeale to our justice and knowinlie incurre the punishement dew to so bold and malicious detractions, we thairfoir have thought fitt to recommend to yow the tryell of both and the repairing and punishement of either as yow in justice sall find caus, willing and requiring yow to give unto the compleaner your protectioun against the horning, as he alledges, unjustlie led aganis him, and that for suche competent tyme as yow in your wisdoms sall thinke fitt; quhairin not doubting of your carefullnesse and conformitie to this our pleasure we bid yow farewell. Givin at our Court at Whitehall, this 18 of Februarie, 1632." Whitehall, 18th February 1632. Letter from his Majesty anent two cross petitions.

Acta January 1631-May 1632. Fol. 113, b.

Sederunt—Privy Seal; Wintoun; Perth; Lauderdaill; Bishop of Dumblane; Yles; Melvill; Tracquair; Clerk Register; Advocate; Justice Clerk; Sir James Baillie. Holyrood House, 21st February 1632.

"The Lords of Secreit Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame continews the tryell of the rentall of the Abbacie of Kelso till the fyftene day of Marche nixt. Followes his Majesteis letter for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weil-belovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. As we wer pleased to write unto yow of lait that our right trustie and right weilbelovit cousine and counsellour, the Erle of Roxburgh, could not (in regarde of occasiouns concerning our service) repaire to that our kingdome before the fyftene day of this moneth of Februarie, so the verie same occasiouns being a reasoun unto us for his Letter from his Majesty requiring the further postponement of the trial of the rental of the Abbacy of Kelso.

further stay, our pleasure is that these bussinesses concerning him signified by our former letters be continewed till the 15 day of Marche nixt ensewing, and to that effect that yow caus intimat this our pleasure to the Commissioners for Surrenders and to the committee appointed by yow for giving up a trew rentall of the Abbacie of Kelso. Whiche recommending to your care, we bid yow fareweill. Frome our Court at Whitehall, the 8 day of Februarie, 1632."

Beer and other provisions for his Majesty's visit to be sold as his Majesty's visit is postponed.

"The Lords of Secreit Counsell in regard his Majestie hes continewed his intended voyage to this countrie at the tyme appointed, ordains and allowes his Majesteis Thesaurar and Deputie Thesaurar to dispone and sell the drinking beir and other provisioun for his Majesteis heerecoming to the best availl and advantage." Fol. 114, a.

Holyrood House, 21st February 1632.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 330, b.

Complaint by Alexander, Master of Forbes against William Forbes of Tolquhoun, whom he accuses of refusing to restore to him a coffer containing his writs which had been entrusted to the said William.

Complaint by Alexander, Master of Forbes, Colonel, as follows:—About eighteen months ago he went to Germanie to serve under the King of Sweden, leaving a coffer containing his principal writs in the keeping of William Forbes of Tolquhoun, who thereupon placed the same in the house of Tolquhoun, and the complainer gave the key of the said coffer to Sir George Johnestoun of Caskieben, so that these persons to whom he had entrusted his estate and living in his absence might have access to the said writs and use the same in defending him in any actions raised against him during his absence. He has now returned home to settle his affairs and must make use of his said writs and others concerning him for his Majesty's service; but while the Laird of Caskieben has delivered up the key of his said coffer, William Forbes "his undewtifull and unkynde kinsman" will on no wise deliver up his coffer; and by this means not only is his credite brought into question, but he has been reduced to great loss and expense for want of his writs, and he "is like to suffer infinitelie in his estait" unless a remedy be provided. Charge having been given to the said William Forbes of Tolquhoun, and the pursuer appearing by William Dick, merchant burgess of Edinburgh, his procurator, and the defender personally compearing and having been heard, the Lords command the defender to produce the said coffer and writs therein before their Lordships upon the last Council day of March next.

Complaint by Alexander, Master of Forbes against Sir George Johnston of Caskieben and others, whom he accuses of retaining certain rights and securities which he had

Complaint by Alexander, Master of Forbes, Colonel, as follows:— Fol. 331, a.
Out of his affection to his Majesty's service he accepted employment under the King of Sweden and has served therein for the past eighteen months. "Fearing that in that service it might have pleased God to call him to his mercie frome this mortall life he for the weale and standing of his hous made some rights and securiteis of his living to Sir George Johnestoun of Caskieben, William Forbes of Tolquhoun, Walter Forbes of Thanestoun, Johne Forbes of Balnegask, and Johne Forbes of

Decreta, March 1631-April 1632. Fol. 331, a.

Gask, and to some one or moe of thame." On his return he desired and earnestly dealt with thame to repone him to his estate and living, and expected that they would have met him with the like kindness and courtesy as he had shown to them, but "they verie unthankefullie and unkyndelie, taking advantage of his said service and imployment, quhilk will draw him frome his native countrie to ane necessar attendance abroad and so disable him frome persewing his lawfull actiouns aganis thame before the Lords of Counsell and Sessioun, they have absolutelie refuised his just and lawfull desire." He has therefore thought good to acquaint their Lordships therewith lest he should suffer thereby when necessarily abroad upon his Majesty's service. Charge having been given to the persons named, and the pursuer compearing by William Dick, merchant burgess of Edinburgh, and the said Lairds of Caskieben, Tolquhoun and Balnagask compearing personally, and Walter Forbes compearing by Tolquhoun, but John Forbes of Gask not compearing, and parties having been heard, the Lords remit the matter to the Lords of Counsell and Session as the competent judges in the case.

entrusted to them on going abroad.

Fol. 331, b.

The said day Mr. Robert Petrie as procurator for Isobel Simsoun, widow of Alexander Guthrie, Marchemont herald, and Walter Robertsoun, town clerk of Aberdein, produced letters raised against them at the instance of James Espline, now Marchemont herald, charging them to compear before their Lordships and produce the said Alexander's coat of arms in their custody, so that it might be delivered up to the said James, and protested that as the said James has failed to appear, and they were ready to answer, nothing further should proceed in the case until they were cited anew and their expenses modified and paid to them. Which protest the Lords admitted.

Complaint by Isobel Simpson widow of Alexander Guthrie, Marchmont Herald, and Walter Robertson, town-clerk of Aberdeen, against James Espline, Marchmont Herald.

Supplication by James Kennedie of Blairquhan, Josias Stewart of Bonytoun, and William Stewart of Dunduff, their cautioner, as follows:—The last protection granted to them expires on the last of this month, and they have satisfied a great many of their creditors, also "the mater quhairwith the Lords of Exchecker wer so long troubled betuix the Laird of Lee and thame is now closed and the writs and securiteis drawin up, lykeas the Lords who had dealing in that bussines caused the said Josias to send for the said Laird of Blairquhan and William Stewart who ar come near to this burgh," so that it is necessary their protection be renewed. This therefore is humbly craved. The Lords grant their protection to them till 15th March next.

Supplication by James Kennedy of Blairquhan, Josias Stewart of Bonytoun, and William Stewart, their cautioner, for renewal of protection to the said James and Josias.

Sederunts, November 1629-January 1635. Fol. 75, a.

"A letter in favours of the Bishop of the Yles for calling the cheefe ylanders of his diocie to thair ansuer upon thair barbaritie and not observing of the articles enjoyned unto thame for the interesse of religioun and civill policie, the resolutioun quhairof continewed till this day eight dayes."

Holyrood House, 21st February 1632. The Bishop of the Isles and chief islanders of his diocese.

"A letter frome his Majestie for ane protectioun to be grantit to Wardes his cautioners upon the conditiouns conteanit in the warrand grantit to Wardes."

Protection to the Laird of Wardes.

Holyrood House, 23rd February 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Lauderdaill; Bishop of Dumblane; Iles; Melvill; Tracquair; Advocate; Justice Clerk; Sir James Baillie. Acta January 1631-May 1632. Fol. 114, a.

Letter from his Majesty confirming the privileges and liberties of the burgh of Edinburgh.

"The whilk day Alexander Clerk, provest of Edinburgh, accompanied with some of the bailleis thairof, compeired before the Lords of his Majesteis Privie Counsell and exhibite unto thame the missive letter underwrittin signed be the Kings Majestie and direct unto the saids Lords, quhilk letter being openned and read in the saids Lords thair audience, and they having considderit the nature and tenour of the same, they ordain the said letter to be insert and registrat in the bookes of Privie Counsell and ane extract thairof to be delyvered to the Lords of his Majesteis Counsell and Sessioun that they accordinglie may conforme thameselffes thereto, of the quhilk letter the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weill. Whereas we formerlie wrote unto yow tuicheing our burgh of Edinburgh that they might injoy thair priviledges and liberteis according to thair chartours granted and confirmed by diverse our royall progenitours and conforme to severall Acts of Parliament made thairupoun, and being willing in our tyme to approve what upon so warrantable grounds hath beene grantit unto thame, and having considderit therewith the reall prooffes they have givin both in the tyme of our lait royall father and our owne for advancing our service recommended unto thame, we do heirby speciallie recommend unto yow that in all suche causes concerning thair rights and priviledges as come before yow they may have order given for settling thairof as our lawes doe allow with all convenient expeditioun. And in all things of that nature that ar judged before our colledge of justice or anie other judge competent that yow use your authoritie, in so farre as the nature of the caus sall require, for putting the same in executioun that they may freelie injoy the saids rights and priviledges in the accustomed maner, according to our pleasure formerlie signified to that purpose. Whiche recommending to your speciall care we bid yow farewell. Frome our Court at Whitehall, the nynt day of Februarie, 1632."

Mr. R. Williamson's objections against Mr. D. Wedderburn's Grammar.

"The whilk day Mr Robert Williamesoun, maister of the Grammar schole at Couper, gave in to the Lords of Privie Counsell some objectiouns aganis Mr David Wedderburnes Grammar, whilks wer delyvered to the said Mr David and he ordained to answere thereto upon Tuisday nixt." Fol. 114, b.

Holyrood House, 23rd February 1632.

[Sederunt as recorded above.]

James Balfour

James Balfoure in Corshous, having "tane upon him the knowledge to Decreta, March 1631-April 1632. Fol. 332, a.

Decreta, March 1631-April 1632. Fol. 332, a.

discover persouns guiltie of the cryme of witchecraft by remarking of the devills marke upon some part of thair bodeis and thristing of preins in the same, and upon the presumptioun of this his knowledge he goes athort the countrie abusing simple and ignorant people for his privat gayne and commoditie," and having been charged to appear this day before their Lordships "to have answered to suche things as sould be sperit at him tuicheing his knowledge in the discoverie of the cryme foresaid and how and by what meanes he hes the same, and to have underlyne suche order as sould be tane thereanent," compeared personally. "Being demandit anent the ground, forme and order of his proceedings in the matter foresaid he depouned and declared that the first tyme that ever he knew the devills marke wes upon occasioun of ane gairdners wife in Tranent, who being delate and suspect of witchecraft the depouner wes required be Mr. Robert Balcanquall, minister at Tranent, to searche and seeke the marke on her, whiche he fand on the arme and wes acknowledged be her selfe to be the marke, and that by her tryell and sight of the lyke markes in others he come to the knowledge and discoverie of the said marke; and grants that he hes usuallie beene imployed to searche and find out the said marke, and that he hes uncovered sindrie persouns in the sight of the people within the kirk and tolbuith for finding out the same marke." The Lords, after advising, find "that the said James Balfoure his knowledge in this mater hes onelie beene conjecturall and most unlawfullie used within Gods kirk, and thairfoir discharges him of all forder exerceing of that art and trade in tyme comming as he will answer upon the contrarie at his perrell."

in Corshouse examined anent his power to discover witches See *ante*, p. 427, where he is called John.

Fol. 332, b.

The which day Gilbert Kirkwod of Pilrig and Antonie Gosline, litster in the Cannogait, compearing personally, became cautioners in 500 merks for Samsoun de Grange, goldsmith at Londoun, that he will not in any way molest Nicolas Briot, chief graver of his Majesty's Mint, during his remaining within this kingdom. Also the said Sampsoun de Grange, compearing personally, enacted himself to the same effect under the penalty of 2000 merks, and for the relief of his cautioners, and, further, under the same penalty, that upon his return to England he will renew this cautionry for the indemnity of the said Nicolas Briot according to the English laws, if he be required to do so.

Caution by Gilbert Kirkwood of Pilrig and Antony Gosline, dyer in the Canongate, for Samson de Grange, goldsmith in London.

The Lords prorogate and continue their letters of recommendation granted to Mr. John Rattray, minister at Rattray, for collecting a voluntary contribution from the whole estates, temporal and spiritual, within the kingdom, beyond the Water of Tay, for building of the bridge of Erigh, for the space of another year from the date hereof; and they also extend the sphere of his operations by including the whole sheriffdom of Perth and stewartry of Stratherne, and the synods, presbyteries, and kirk-sessions thereof, and burghs, towns, villages and whole subjects therein.

Continuance of licence to Mr. John Rattray, minister at Rattray, to collect contributions for building the bridge of Ericht.

Supplication by James Wylie, merchant burgess of Edinburgh, for continuance of his protection.

Supplication by James Wylie, merchant burgess of Edinburgh, as follows:—The protection granted to him by their Lordships for settling with some few creditors expires upon the last day of this month, and he has used the time for entering upon a solid and effectual course for their satisfaction, which he hopes to perfect by the indrawing of his own debts, if their Lordships will grant him a continuation. This he accordingly craves, and the Lords grant him until 1st June next. Decreta, March 1631-April 1632. Fol. 333, a.

Protection to Sir John Scot of Newburgh.

"The lyke protectioun grantit to Sir Johne Scot of Newburgh untill the fyfteine day of Marche nixt."

Supplication by John Kennedy, sometime of Blairquhan, and James Kennedy of Crichton for continuance of their protection.

Supplication by John Kennedie, some time of Blairquhan, and James Kennedie of Crugiltoun, as follows:—Their Lordships have extended the protection granted to Josias Stewart and James Kennedie, now of Blairquhan, for settling with the supplicants "in that longsome processe quhilk they had before the Excheker and quhilk is now closed" till 15th March next, so that the securities may be perfected, and the supplicants' presence is equally necessary, wherefore they crave the like continuation. This the Lords grant.

Protection to John Ahanna of Sorbie and Alexander Cuninghame of Powtoun.

"The lyke warrand and protectioun prorogat and continued to Johne Ahanna of Sorbie and Alexander Cuninghame of Powtoun till the said fyftene day of Marche nixt." Fol. 333, b.

Complaint by Andrew Forbes at the Mill of Clinterlie against Mr. George Leslie in Birsack-mill and James Arbuthnot in Kinnudie for hame-sucken and assault.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Andrew Forbes at the Mylne of Clinterlie, as follows:—Though the bearing of hagbuts and pistols has been prohibited by law, yet on May last James Arbuthnet in Kinnudie and Mr. George Leslie in Birsackmylne, armed with swords, hagbuts and pistols and "with ane pyper playing on ane great pype come under cloud and silence of night be way of haimsuckin' to the said Androw Forbes his dwelling hous of purpose and provisioun to have tane his lyfe, rapped at the doores and preast to have brokin the same up; bot not being able they come to the windowes quhair the compleaner lay, strake in thereat with thair drawin swords, presented thair pistolets and held in the great end of the pype to provoke the compleaner to come furth; by quhilk forme of cariage the compleaner's wife, being with childe, wes so affrighted that she become heavilie sicke and at last parted with barne. And upon the day of thereafter the said James Arbuthnet come ryding on horsebacke with ane sword and paire of pistolets at his belt towards the compleaners dwelling hous of purpose to have slaine him. And now upon the twentie twa of Junij last the said James Arbuthnet and Mr George Leslie come boddin in maner foresaid be way of haimsuckin to the compleaners said dwelling hous, entered within the same and in most disgracefull maner offered to bryddill him; and he having opposed himselfe to suche ane indignitie they than drew thair swords, strake out ane great nomber of straikes at him therewith untill they brake their sword, and than the said James presentit ane pistolet to his breast, quhairwith

Decreta, March 1631-April 1632. Fol. 334, a.

he had not failed to have slaine the compleaner if some gentill weomen had not cast thair gownes upon the worke of the pistolet. And the compleaners wife not being as yitt recovered of her sickenesse occasiouned upon the first assault, she wes by meanes of this last persute cast into ane deidlie disease, of the quhilk she is not lyke to recover." Charge having been given to the said Mr. George Leslie and James Arbuthnot, and the pursuer compearing by Mr. James Baird, advocate, but not the defenders, the Lords ordain them to be put to the horn and escheat.

Sederunts, November 1629-January 1635. Fol. 75, a.

"The quhilk day George Baillie, ane of the bailleis of Leith, reported to the Counsell that Marioun Mure before her tryell, after the same and the tyme of her executioun, confest all that she has depouned aganis her selfe and the other persouns mentiouned in her dittay and that being confronted with Helene Hamiltoun and Marioun Lumisdene she avowed all upon thame."

Holyrood House, 23rd February 1632. Confession of witchcraft by Marion Mure. See *ante*, p. 426.

"The quhilk day a commissioun direct with a letter frome his Majestie for trying of the persouns guiltie of the burning of the hous of Fendraucht wes produced in Counsell, whiche being considderit be the Lords and they finding that the same conteanned a power to the Committee to tortour, whiche in regarde of the dangerous preparative that the exemple thairof might afterwards produce the Lords thinks fitt that [the commissioun be reformed][1] in that point; with power to the commissioners to consider of the presumptions and evidences of the parteis guiltines and to report to the Counsell what they sall find therein to the effect the Lords, according to the pregnancie of the proofe and merite of the caus, may give order for the tortur as they sall find reasoun, and that a letter be writtin to his Majestie for this effect."

Commission from his Majesty for the trial of those concerned in the burning of Frendraught.

Fol. 75, b.

Royal Letters, 1623-33. Fol. 204, b.

"Most sacred Soverane, We receaved your Majesteis letter with the commissioun therein inclosed concerning the burning of the hous of Fendraucht, quherein how ever we acknowledge your Majesteis prudence and care in the worthie choice of a wise committee, yitt when we consider the power of torturing committed unto thame we cannot in dewtie forbeare humbelie to represent to your Majestie our faithfull opiniouns concerning the same as being derogatorie to the auctoritie of the Counsell to whome the power of torturing is dewlie proper quhairwith the supreme judicatoreis of this kingdome ar onelie intrusted and whiche by the lawes of the same cannot be communicat to a selected nomber; in whiche regarde and for avoiding the dangerous preparative that the exemple thairof may afterwards produce we have thought good thus to qualifie the power of the commissioun ordaining the committee to report to the Counsell what they sall find in the tryell to the effect the Counsell, after consideratioun of the evidenceis and prooffes thairof, may give warrand to the committee to proceid to the tortur, quhairin we assure your Majestie that nothing sall be wanting in us that may further the

Holyrood House, 23rd February 1632. Letter of Council to his Majesty to the effect that the power to apply torture should not be granted to the committee for the trial of the persons concerned in the burning of Frendraught, inasmuch as the said power pertains to the Council alone.

[1] Torn; but probably the words wanting are as supplied in brackets.

discoverie of that haynous cryme in a faire and legall maner. We have heerewith sent up the commissioun to be passed your Majesteis owne hand as being more requisite than the cashet for so important a bussines, whiche with our faithfull opinioun concerning the same we humbelie submitt to your Majesteis wise consideratioun, praying God to blesse, etc. Halyrudhous 23 February 1632. *Subscribitur*, Dupline, Hadintoun, Wintoun, Lauderdaill, Dumblane, Iles, Tracquair, S^r^ Thomas Hop, S. G. Elphinstoun." Royal Letters, 1623-33. Fol. 204, b.

Holyrood House, 28th February 1632.

Sederunt—Privy Seal; Galloway; Lauderdaill; Melvill; Carnegie; Tracquair; Dumblane; Iles; Advocate; Justice Clerk. Acta January 1631-May 1632. Fol. 114, b.

Trial of Lord Ochiltree postponed till 14th March ensuing.

"The Lords of Secreit Counsell upon good respects and considerations moving thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to prorogat and continew the dyet appointed for the tryell of James, Lord Uchiltrie, upon the crymes whairof he is accused before thame untill the fourteene day of Marche nixt, quhereanent the extract of this act sall be to thame ane warrand."

Mr. David Wedderburn's Latin Grammar.

"The whilk day M^r^ David Wedderburne, schoolemaister at Aberdein, gave in to the Lords of Privie Counsell his answeres to the objectiouns made be M^r^ Robert Williamesone, schoolemaister at Couper, aganis the said M^r^ David his grammar, whiche wer given up to the said M^r^ Robert to reply thereto upon Thursday nixt."

Holyrood House, 28th February 1632.

[Sederunt as recorded above.] Decreta, March 1631-April 1632. Fol. 334, a.

Complaint by Helen Hamilton, widow, in Leith, against the baron-bailie of Broughton and Mr. David Forrester, minister at Leith, for inhuman and illegal conduct towards the complainer.

Complaint by Helen Hamiltoun, widow, in Leith, as follows:—Their Lordships have heard how that the baron-bailie of Brouchtoun, "assisted in counsell, advice and directioun of M^r^ David Forrester, minister at Leith," unwarrantably put her "to the extremest tortour that they could devise, laying her fast in the stockes and in twa gades of yrne of 24 stone weight, putting chekellis of yrne upon her armes and binding her craig and legs togidder with yrne chaines till the flesh wes worne cleane aff the bones, and in the extremitie of this tortour they extorted frome her false and untrew depositiouns aganis honest women in Leith aganis whome she had no ground to depone anie thing and her paines in the tortour wer so extreme that she would deny nothing but would have fallin in ane fearefull blasphemie that God wes not in heaven if suche ane point had beene demanded of him" [*sic*]. Upon her complaint to them, their Lordships, after hearing the said bailie and minister, ordered her "to be releeved of the stockes and yrnes and keeped in free waird." At this the said bailie and minister have taken such offence that they have resolved by all indirect means to procure her overthrow, enticing such as they have power over to give in charges against her; and since she has been sent back to the tolbooth they have kept her a close Fol. 334, b.

Decreta, March 1631-April 1632. Fol. 334, b.

prisoner, suffering neither friend nor stranger to have access to her, "quhilk is ane great inhumanitie in the persoun of a minister." Charge having been given to the said baron-bailie and Mr. David Forrester, and the pursuer and defenders compearing personally, the latter "grantit and confest the committing of the said persewer, laying her in the stockes and putting of shekellis on her legges, and that they wer in use to doe the same of before and wes commounlie practised in the kingdome." The Lords find "that the said minister hes done heerin aganis the dewtie of his office and admonishes him to forbeare to meddle in suche bussinesses heerafter; and siclyke finds that the baroun-baillie, being ane privat man, hes committed ane verie great wrong in ministring the tortour without power or commissioun," and they commit him to ward within the tolbooth of Edinburgh until they release him. They further ordain him to pay £20 to the complainer's son in satisfaction of the expenses incurred by him in this matter, and the pursuer to be put to her trial before such indifferent judges as the Baron of Brouchtoun shall appoint.

Sederunts, November 1629-January 1635. Fol. 76, a.

"A missive frome his Majestie for prorogating the Parliament to the 13 of August nixt that it may be prorogated from that tyme till the 18 day of Junij the nixt yeere or otherwayes, remitting to the Counsell the prorogating of it presentlie to the 18 of Junij. Continues the resolutioun till Thursday that the Chancellor be present." Letter from his Majesty postponing the meeting of Parliament till June 18, 1633.

"The Lords appoints the sevint of Marche nixt for the tryell of Helene Hamiltoun and the nynt for the tryell of Marioun Lumisden before suche judges as sall be appointed be the Erle of Roxburgh as Baroun of Brouchtoun or suche as his commissioners sall delegat for that effect." The trials of Helen Hamilton and Marion Lumsden.

Acta January 1631-May 1632. Fol. 114, b.

Sederunt—Privy Seal; Gallouay; Lauderdaill; Melvill; Carnegie; Tracquair; Bishop of Dumblane; Bishop of the Yles; Clerk Register; Advocate; Justice Clerk. Holyrood House, 1st March 1632.

"The whilk day M^r^ Robert Williamesoun, schoolemaister at Couper, gave in to the Lords of Privie Counsell his replyes to the answers made be M^r^ David Wedderburne aganis the objectiouns givin in be the said M^r^ Robert aganis the said M^r^ David his grammar; whiche togidder with the said grammar and the observatiouns and objectiouns givin in thereanent the Lords recommends to the Bishop of Dumblane, Sir Johne Scot, Sir Thomas Hendersone of Chesters, M^r^ Andro Ramsay, M^r^ Johne Adamesoun, M^r^ Patrik Nisbit, Doctour Sibbald, and Mr Robert Burnets, elder and younger, or anie foure of thame, whome the Lords authorizes with power to peruse and consider the said grammar and what is fitting to be rectified and amended therein, and to report thair judgements to the saids Lords concerning the same upon the twentie twa day of Marche instant." Anent Mr. D. Wedderburn's Latin Grammar.

Certain conveners of the sub-commissioners and their clerks to be put to the horn.

"Forsameekle as Alexander Hamiltoun of Binnie, conveenner of the sub-commissioners of the presbyterie of Linlithgow, and Robert Ker, his clerk, David Muschett, conveenner of the sub-commissioners of the presbyterie of Dumblane, Mr James Neving, thair clerk, Thomas Blair of Batheyock, conveenner of the sub-commissioners of the presbyterie of Perth, Alexander Inglis, thair clerk, Sibbald of Rankeillour, conveenner of the sub-commissioners of the presbyterie of Cowper in Fyffe, Sir James Pringill of Galloscheillis, conveenner of the sub-commissioners of the presbyterie of Melros, Williame Douglas of Bonjedburgh, conveenner of the sub-commissioners of the presbyterie of Jedburgh, and Williame Rutherfurde, thair clerk, Williame Mure of Glanderstoun, conveenner of the sub-commissioners of the presbyterie . . . . . and Alexander Sempill, thair clerk, Archibald Hamiltoun of Halcraig, conveenner of the sub-commissioners of the presbyterie of Lanerk, and James Hamiltoun, thair clerk, and Johne Ahanna of Sorbie, conveenner of the sub-commissioners of the presbyterie of Wigtoun, being charged to have compeired personallie before the Commissioners for the Surrenders and Teinds upon the last day of Februarie now bygane and to have brought and produced with thame ane formall report in writt of thair diligence in the executioun of the sub-commissioun grantit unto thame, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and they failyied that report sould be made of thair dissobedience to the Lords of Privie Counsell by whome letters sould be direct to denounce thame rebellis and putt thame to the horne, lykeas at mair lenth is conteanit in the letters execute aganis thame, executiouns and indorsatiouns thairof: Quhilks being callit before the saids Commissioners the said last day of Februarie and the saids conveenners and thair clerks not compeirand nor no report of thair diligence being produced be thame selffes nor no others in their name, and report being this day made to the Lords of Privie Counsell of thair dissobedience, thairfoir the saids Lords ordains officiars of armes to pas and denunce the conveenners of the sub-commissioners within the presbyteries abonewrittin and thair saids clerkes our soverane Lords rebells, and putt thame to the horne and to escheit." Acta January 1631-May 1632. Fol. 115, a.

The warding of John and Andrew Little in connection with the burning of the house of Mr. David Leitch, declared by the Council to have been legal.

"The Lords of Secreit Counsell, considdering that Johne and Androw Littils wer committed to waird within the tolbuith of Edinburgh upon occasioun of certane presumptiouns givin in aganis thame and grounded upon the depositiouns of witnesses produced for cleering of the burning of Mr David Leitche, minister, his hous, thairfoir the saids Lords finds that the saids persons hes beene lawfullie warded upon good ground proceeding frome thair awin contradictiouns and the depositiouns before mentiouned." Fol. 115, b.

Holyrood House, 1st March 1632.

[Sederunt as recorded above.]

Decreta, March 1631-April 1632. Fol. 335, a.

John Robesoun

The Lords decern John Robesoun in Cult in the sum of £100 for not

Decreta, March 1631-April 1632. Fol. 335, a.

reporting his diligence in proving Duncan Weirdie, sheriff officer of Stirline, to have summoned a number of people before the Council for deforcing him in the execution of his office and thereafter componing with them, he having enacted himself to do so. Payment is delayed until the first Council day of June, as John Grahame, servitor to the Earl of Montrose, has become caution in £100 for his compearance that day, when they ordain John Robesoun to report his diligence and probation foresaid.

in Cult decerned in the sum of £100 for neglect of his duty.

Complaint by Duncan Forbes, burgess of Innernes, as follows:—Although all single combats and directing of challenges and cartels for that effect are very strictly prohibited and discharged, yet on January last Donald Fraser in Kinmyleis came to him as he was walking alone and unarmed on his own lands of Bucht, "and first entered in ane direct challenge aganis the compleaner threatning if he durst for his harnes fight him, and after manie opprobrious speeches he disgracefullie gave the compleaner the lee and than preast to his sword and had not failed to have slaine him therewith, wer not some persouns present stayed him." He then "vowed at his first meiting with the compleaner to take his life." Both pursuer and defender compearing, and they and certain witnesses having been heard, the Lords assoilzie the defender.

Complaint by Duncan Forbes, burgess of Inverness, against Donald Fraser in Kinmyleis for challenging the complainer to single combat.

Fol. 335, b.

Complaint by Duncan Forbes, burgess of Innernes, heritable proprietor of the lands of Bucht, within the sheriffdom of Innernes, as follows:—By virtue of their rights and securities, the complainer and his predecessors and authors have peaceably possessed the said lands for many years past, and their possession thereof has never been challenged until lately that Hew, Master of Lovat, pretending some right to them, endeavoured by "way of deid, bangsterie and oppresioun to debarre and seclude the compleaner thairfra and to appropriat the same to himselfe." Accompanied by Donald Fraser in Kinmyleis and others, to the number of twenty persons, armed with swords, darlochs and other weapons, he came on 1st December last to the said lands, violently broke up the doors of the houses of the complainer's servants, John Dollas and William Simpsoun, and entering therein "rave doun the gavillis thairof to the ground," the said master to encourage his accomplices therein saying that "he would take the first cast himselfe, and so he did and the rest followed." When they had "spoyled and brokin the timber and plenishing of the houses they kust pairt thairof to the greene and intrometted with the rest to thair awin use. And when as the compleaner came to know what the mater meant and entered within his houses the said Maister commandit him to goe to the doore, otherwayes he would putt him thereto upon his face, and forced him to depart for just feare of his lyfe." The said Master then entered the said Donald in possession of them. Charge having been given to the said Master of Lovat and Donald Fraser, and the said Master appearing by Lord Lovat, his father, and Donald Fraser and the pursuer compearing personally,

Complaint by Duncan Forbes, burgess of Inverness, heritable proprietor of the lands of Bucht within the sheriffdom of Inverness, against Hew, Master of Lovat, for forcibly taking possession of certain houses belonging to the complainer.

Fol. 336, a.

the Lords, after hearing parties, remit the complaint to the Lords of Counsell and Sessioun, reserving to themselves the trial of the alleged riot after the right is discussed in the pursuer's favour; and they appoint Duncan Forbes to pay to each of the witnesses adduced, being footmen, the sum of ten merks. Decreta, March 1631-April 1632. Fol. 336, a.

Complaint by George Ker of Newhall, servitor to the Earl of Roxburgh, against John and Robert Ker in Duddingston, his creditors, for illegal warding.

Complaint by George Ker of Newhall, servitor to the Earl of Roxburgh, as follows:—He is due certain sums to John and Robert Ker in Duddingstoun, and being willing to satisfy their claims had several meetings with them at their desire. At one of these at Fala they, with mutual consent, nominated the Laird of Duddingstoun to deal for them, and the complainer nominated Mr. William Bennett, parson of Ancrum, to deal for him, who were to meet in the matter on the last day of February in the Earl of Roxburgh's chamber in Edinburgh. Accordingly the complainer caused the said Mr. William come to Edinburgh that day and wrote to his said creditors to keep the diet, when they replied that they would do so "about foure houres" and promising him assurance. After long conference his creditors departed, and he expected that they would have dealt uprightly with him in terms of their assurance under the hand of the said Robert Ker; but instead of this "they most fraudulentlie and treacherouslie circumveened him in so far as all the tyme of the treatie they had ane messinger with some of the town officiars waiting at the staire foote who, how soone the compleaner come doun, seazed upon his persoun at thair command and directioun, and harled him to the tolbuith of Edinburgh, where he yitt is for the present." The pursuer compearing by James Steill, his procurator, who produced a letter written by the said Robert Ker to the said George of the tenor libelled, and the defenders being personally present and acknowledging the letter, and further consenting to the said George obtaining his freedom, the Lords find that the said George Ker has been unlawfully taken under trust, and command the provost and bailies of Edinburgh to liberate him in so far as he is warded at the instance of the defenders. Fol. 336, b.

Holyrood House, 6th March 1632.

Sederunt—Chancellor; Privy Seal; Murrey; Gallouay: Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Melvill; Carnegie; Clerk Register; Justice Clerk. Acta January 1631-May 1632. Fol. 115, b.

Act of Council, based on a warrant from his Majesty, postponing the meeting of Parliament till 18th June, 1633.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords and others of his Majesteis Privie Counsell, being presented to the saids Lords and read in thair audience, and they having at lenth considderit of the said letter and reference therein conteanit tuicheing the dyet to be appointed for prorogatioun of the high court of Parliament, they have found it more meit and expedient that the said Parliament sall be prorogat to the 18 day of Junij in the yeere of God, 1633 yeeres, nor to the 13 day of August nixt, and thairfoir ordains the Commissioners for the Parliament to prorogat and

Acta January 1631-May 1632. Fol. 115, b.

continew the said Parliament till the 18 day of Junij in the yeere foresaid, for doing whairof this present act sall be unto thame ane warrand. Followes his Majesteis missive for warrand of the act abone-writtin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we had determined to repaire to that our ancient kingdome this next sommer, whiche as we had of a long time extremelie desired, so we had at the said tyme most certanelie resolved so to doe; but now in regarde of some lait considerations speciallie concerning forrane effaires;[1] the estait whereof is sufficientlie knowne to be verie considerable at this tyme, we ar induced to continue our comming till the next yeere, at whiche tyme, God willing, we sall not faile to come; and for that effect we have presentlie caused provide all things necessarie as we wer presentlie to goe. And as for our Parliament there we have sent yow warrand heerewith to prorogat the same till the 13 of August nixt that it may be prorogat frome that tyme till the certane tyme that we ar to repaire thither unlesse yow sall thinke it more fitt to prorogat it presentlie at the first till the said tyme; and in that case we will and doe authorize our Commissioners for the Parliament heirby to prorogat the same till the 18 day of June the nixt yeere. But remitting the doing of the one and the other to yow as yow sall thinke most fitt, we bid yow farewell. Frome our Court at Whitehall, the 15 day of Februarie 1632."

Sederunts, November 1629-January 1635. Fol. 77, a.

"The Lords allowes of the nominatioun made in behalfe of the Erle of Roxbrugh of M^r^ David Prymerois, M^r^ Alexander Persoun, and Johne Dunlop or anie twa of thame, to be judges to the tryell of Helene Hamiltoun and Marioun Lumisden who ar delate and accused of witche-craft, and ordains the said Helene to be putt to her tryell upon Mononday nixt, and the said Marioun Lumisden upon Mononday there-after following." Holyrood House, 6th March 1632. The trials of Helen Hamil-ton and Marion Lumsden for witchcraft.

Acta January 1631-May 1632. Fol. 116, a.

Sederunt—St. Andrews, Preses; Privy Seal; Wintoun; Gallouay; Lauderdaill; Air; Dumblane; Iles; Melvill; Carnegie; Tracquair; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Holyrood House, 8th March 1632.

"Forsameekle as the conferring of honnours and titles of dignitie upon anie subject is a point properlie belonging to the Kings Majestie and it is ane high and malapert presumptioun in a subject to usurpe suche auctoritie or to assume unto thameselffes anie title of dignitie not lawfullie conferred upon thame be his Majestie, notwithstanding whairof Sir Williame Ker of Blakehope, knight, brother to the lait Erle of Charge to Sir William Ker of Blakehope, knight, to appear before the Council anent his usurping the title of his deceased

[1] Charles was at this period in negotiations with Gustavus Adolphus, Richelieu, and Spain for the restoration of the Palatinate to his brother-in-law, Frederick.—Gardiner, Hist. of England, VII., 187 *et seq.*

brother, the Earl of Lothian.

Lothiane, hes without his Majesteis allowance or auctoritie and without proceeding by course of law to impugne the right of his brothers eldest daughter and her husband, usurped upon him and assumed to himself the title of Erle of Lothiane, altho his said brother, daughter and her husband have proceidit orderlie in the right of the said lait Erle by the letters patent grantit unto him by his Majesteis lait royall father of blessed memory, whiche his Majestie hes seene and considderit and hes proceedit therein as his Majestie hes thought just and fitt.[1] And thairfoir the Lords of Secreit Counsell, according to his Majesteis warrand and directioun in writt sent unto thame, ordains letters to be direct to command, charge and inhibite the said Sir Williame, his sonne and successours and his brethrein and thair childrein, personallie if they can be apprehendit, and failyeing thairof at thair dwelling places if they anie have, and by opin proclamatioun at the mercat croce of Edinburgh and others places neidfull, that they in no wayes presoome nor take upon hand to take upon thame anie title of nobilitie whiche belonged to the said lait Erle or usurpe anie place or prerogative thereby without his Majesteis licence and without the said Sir Williame doe first by dew course of law evict the same as just and belonging to him; as alsua to command, charge and inhibite all his Majesteis lieges that nane of thame presoome to give unto the said Sir Williame and his foresaids suche titles heerafter under all highest panes that by course of law may be inflicted upon the dissobeyers for thair contempt. And the saids Lords ordains his Majesteis Advocat to libell ane summounds aganis the said Sir Williame and to caus charge him to compeir before thame to answer upon his proud contempt by usurping the said title upon him. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. Being informed that Sir Williame Ker of Blakehope, knight, brother to the lait Erle of Lothiane, taketh upon him the title of the Erle of Lothiane without our leave and auctoritie or without proceeding by course of law to defeate the right of his said brothers eldest daughter and her husband, who have proceedit more orderlie in the right of the said Erle by the letters patent grantit unto him by our lait royall father whiche we have seene and considderit and have proceedit therein as we thought just and fitt, our pleasure is that yow call the said Sir Williame before yow and having reprehended him for taking upon him the said title without warrand frome us that yow charge him in our name that he presoome not heerafter to take upon him anie title of nobilitie whiche did belong to his said brother or to take anie place or prerogative thereby without our licence; requiring yow to make this knowne in suche sort at the Counsell boord that if he be absent himselfe it may come to his know-

Acta January 1631-May 1632. Fol. 116, a.

Fol. 116, b.

[1] See *ante*, p. 418.

Acta January 1631-May 1632. Fol. 116, b.

ledge; and that yow caus make ane act of Counsell for discharging him, his sonne and his successours and his brethrein and thair childrein to use anie of the titles of the lait Erle without the said Sir Williame doe first by dew course of law evict the same as justly belonging to him; that our subjects may be warned not to give to him or anie of thame suche title heerafter bot unto suche upon whome by our letters patents we have conferred the same. So we bid yow fareweill. Frome our Court at Whitehall, the nyneteine day of Februarie, 1632."

Exhibition of a coffer containing writs pertaining to the Master of Forbes by William Forbes of Tolquhan. See *ante*, p. 430.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Williame Forbes of Tolquhon and brought and exhibite before the saids Lords ane little coffer wherein some evidents and writts perteaning to the Maister of Forbes wer conteanit, and that for obedience of ane act whereby the said Williame wes obleist for exhibitioun of the said coffer, of the whilk coffer Williame Dick, merchant burges of Edinburgh, hes the key in keeping; lykeas M^r^ Johne Dick, sonne to the said Williame, compeirand personallie before the saids Lords in name of the said Maister of Forbes and of his said father, promeist in name of his said father to delyver the key of the coffer to the Clerk of his Majesteis Counsell, whome the saids Lords ordains to opin the said coffer and to inventar the writts being within the same to the intent the saids writts may be made furthcummand to parteis having interesse thereto as accords of the law."

Decreta, March 1631-April 1632. Fol. 336, b.

[Sederunt as recorded above.]

Holyrood House, 8th March 1632.

Charge by John, Lord Erskine, against certain persons who refuse to adopt his new process of tanning.

Complaint by John, Lord Areskine, as follows:—He has at great expense brought a number of strangers, "skilled and expert men in tanning of ledder, to instruct the tanners and barkers of ledder within this kingdome in the right forme of tanning thair ledder," and a great many of "the best and most skilfull tanners of this kingdome, acknowledging thair awne ignorance and want of skill of that trade hes most willinglie and gladelie embraced this reformatioun." But some of the most ignorant in that trade—viz., William Petrie in Elgine, Alexander Inneis, Donald Johnestoun, William Wilsoun, and George Kay there, oppose this reformation, refuse to receive instruction, will not suffer their hides to lie in the pots the prescribed time, but take them out and present them to the market raw, in contempt of the ordinances and statutes made hereanent. Charge having been given to the persons named, and the pursuer appearing by John Wardlaw, his procurator, but not the defenders, the Lords ordain them to be put to the horn and escheat.

Fol. 337, a.

Supplication by Thomas Kirkpatrick of Closburn for continuance of his protection.

Complaint by Thomas Kirkpatrik of Closburne, as follows:—During the period of the protections granted to him by their Lordships he has satisfied his creditors to the extent of over 13000 merks, and paid the interests of all due up to Whitsunday next. He is most willing to satisfy them all if his protection were extended. Charge having been

given to Thomas Greirsoun of Barjarge, Thomas Gilchrist there, Gilbert Mulligane in Overholme, John Dalrumpell of Watirside, James Maxwell of Tinwald, Marke Gledstains, servitor to Lady Hereis, and William Kirkpatrik called of Cars, to compear and see a new warrant granted to the complainer, or object if they saw cause; and the pursuer appearing by William Hereis, indweller in Edinburgh, but none of the defenders, the Lords continue his protection against all hornings and captions at the instance of any of the defenders only until the term of "Lambmesse" next. Decreta, March 1631-April 1632. Fol. 337, a. Fol. 337, b.

Josias Stewart of Ravinstoun and others.

"The warrand grantit to Josias Stewart of Ravingstoun, James Kennedie of Blairquhan, and William Stewart of Dunduff, prorogat to the twentie twa of Marche instant."

Obligation by Patrick Dickson, late servitor to the Earl of Angus, to conform to the Kirk.

Patrick Dicksoun, late servitor to the Earl of Angus, compearing personally, enacted himself under the penalty of £1000 that before the first Council day of June next he will give obedience to the Kirk and procure himself absolved from the process of excommunication, and failing thereof, that he will appear before the Council that day and underlie their further direction in this matter; and further, in the like penalty, that he will meanwhile live without scandal, repair to the kirk, confer with the Bishops of S^{t} Andrewes, Dumblane and the Iles, or such ministers as they may appoint for his instruction and resolution in the doubts of his religion, and not reset priests or jesuits.

Complaint by Gilbert Watson and others against William Cheyne in Carnbanno for hamesucken and assault. [Omitted in its proper place in the Register.]

Complaint by Gilbert Watsoun in Tuxstoun, Alexander Watsoun, his son, and George Gordoun, younger of Geicht, their master, as follows:—On October last, "being Hallow even, Williame Cheyne, in Carnbanno, come be way of hamesuckin to the said Gilbert's hous, searched and sought him up and doun the same of purpose to have tane his lyfe, and, missing him, they come to his lands where he and his said sonne were halding thair pleuche, and er ever he was awar strake the said Gilbert throw the bodie with ane sword at the right pape and hurt and woundit him and his said sonne in diverse others parts of thair bodeis, to the effusioun of thair blood and perrell of thair lyfes, and left thame for deid." The said Laird of Geicht compearing for himself and the other pursuers, and the defender also compearing, and admitting the charge of hurting and wounding the said Gilbert, the Lords fine him in the sum of £100, to be paid to the said Gilbert, and ordain him to be warded within the tolbooth of Edinburgh until he make payment thereof. Fol. 360, b.

Holyrood House, 13th March 1632.

Sederunt—Chancellor; Præses; Linlithgow; Lauderdaill; Air; Lorne; Bishop of Dumblane; Bishop of the Yles; Melvill; Tracquair; Advocate; Justice Clerk; Sir John Scott. Acta January 1631-May 1632. Fol. 116, b.

Trial of Lord Ochiltree postponed till the second Wednesday of June following.

"The whilk day the Lords of Secreit Counsell for good and considerable respects ordains his Majesteis Justice Clerk and thair deputs to continew the dyet appointed for the tryell of James, Lord Uchiltrie, till the secund

Acts January 1631-May 1632. Fol. 117, a.

Wednisday of Junij nixtocome, ordaining his Majesteis said Justice and his deputs the tyme of the said Lord Uchiltrie his appearance before thame to require him to propone what further he hes to say in his awne defence, remitting always to his Majesteis said Justice to appoint in the meane tyme particular dyets for that effect and for his Majesteis Advocat his answers to be made thereto. And ordains his Majesteis said Justice and his foresaids to advise the whole processe and to report to the Counsell what difficulteis they sall finde tuicheing the relevancie of the dittay upon the twentie twa of this instant, to the effect, the samine being discust be advice of the Counsell, his Majesteis Justice may proceid the said secund Wednisday of Junij nixt to the pronuncing of interloquutour and ministring of justice in the caus."

Decreta, March 1631-April 1632. Fol. 338, a.

[Sederunt as recorded above.]

Holyrood House, 13th March 1632. Supplication for protection by Hector M'Lean of Dowart and others that they may appear before the Council anent the charges brought against them by Sir Lachlan M'Lean of Morvern.

Supplication by Hector M'Claine, apparent of Dowart, Lachlan M'Claine of Coill, and John Garrow M'Eane in Knockindwy, as follows:—Their Lordships have assigned the 22nd instant for their compearance to answer to a complaint against them by Sir Lachlan M'Claine of Morverne, and they are most willing to do so, and not only sufficiently able to clear themselves, but also to verify greater oppressions and circumventions used by the said Sir Lachlan against the said Hector. They are informed, however, that he or others at his instigation intend to trouble them and imprison them on the ground of some old debts which have been paid but of which they have not the discharges here, and so they crave their Lordships' protection for some space that they may in safety attend upon the said matter. The Lords grant their protection to them for five days before and five days after their appearance therein.

Similar supplication by James Kennedy of Crugiltoun and John Kennedy, sometime of Blairquhan.

Supplication by James Kennedie of Crugiltoun and John Kennedie, sometime of Blairquhan, as follows:—The protection granted to them for settling with Josias Stewart expires on Thursday next, and their Lordships have extended his protection until the 22nd. They crave that their protection may be extended until the last day of March instant, and this the Lords grant.

Similar supplication and warrant.

"The lyke warrand continewed to John Ahanna of Sorbie and Alexander Cuninghame of Powtoun till the tent of Aprile."

Fol. 338, b.

Complaint by the Rector and principal masters of the New College of St. Andrews against certain persons who refuse to pay tack duty and teinds due by them to the said College.

Complaint by the Rector, principal masters and other "founded persons of the new College of S[t] Andrewes," as follows:—On 20th March, 1628, Thomas Lyell in Murehill, was put to the horn at their instance for not paying them £180 Scots as the tack duty of certain lands he holds from them, with 100 merks of expenses, from the year 1620, which is the first year of his tack. Further, on 17th August, 1630, John Ogilvie of Inschewane, Katherine Ogilvie, his mother, David Beatoun, then her spouse, George Lamb in Cairfachie, and James Cant

in Kynnaltie, were put to the horne at the instance of the complainers for not paying the teind sheaves of their lands. Against these persons they have used all legal process, but can by no means prevail, and so the complainers are frustrated of the provision and maintenance due by the foundation of their College from the said persons, and are constrained to use their own means. They will be forced to leave their places and services in that College, and it is scarcely probable that any will be found to undertake the same without hope of maintenance and means to live there, unless the Lords of Council provide a remedy against those persons who dwell at peace in the country and uplift the rents to their own use. Charge having been given to the said John Ogilvie, James Cant, Thomas Lyell and George Lamb, and the pursuers compearing by Alexander Balmanno, their procurator, but the defenders not appearing, the Lords ordain them to be charged by letters of treason to enter their persons in ward within the castle of Blacknesse, and there remain upon their own expenses until released, and they and the havers of their houses to render the same to the herald or pursuivant who shall execute the letters, within six days after being charged thereto, wherein if they fail, the process and doom of forfeiture shall be led against them.

Decreta, March 1631-April 1632. Fol. 338, b.

Fol. 339, a.

Newmarket, 14th March 1632.

Letter from his Majesty anent the cutting of trees and the killing of deer in the Torwood.

"CHARLES., Right, etc. Being informed that diverse persons have committed great abuses in the Torwod by cutting of trees and killing of our deir there and otherwayes, haveing takin occasioun to doe the same in regarde of the absence of Sir James Foster, knight, from thence who sould oversee the same, and being desirous that a strict course may be takin for the better preservatioun thairof heereafter it is our pleasure that yow grant a commissioun to Margaret and Marie Forresters, daughters to the said Sir James, with concourse of our Advocat for thair better assistance and our interesse, to persew the delinquents according to the lawes of that our kingdome before quhatsomever judge or judicatorie competent, and that yow be readie therein to give your best assistance when it sall be desired; and in consideratioun of the great charges the saids Margaret and Marie ar to be at, our pleasure lykewise is that yow caus delyver to thame all fynes, amerciaments and quhatsomever ellis is to be takin frome the saids transgressours for the tyme bygane to thair owne use; and for your so doing these presents sall be unto yow a sufficient warrand. Frome our Court at Newmarket, the 14 day of Marche, 1632."

Royal Letters, 1623-33. Fol. 207.

Holyrood House, 15th March 1632.

Sederunt—Chancellor; Præses; Privy Seal; Wintoun; Linlithgow; Wigtoun; Roxburgh; Galloway; Lauderdaill; Air; Bishop of Dumblane; Bishop of the Yles; Lord Lorne; Lord Melvill; Lord Carnegie, Tracquair; Clerk Register; Justice Clerk; Sir John Scot; Sir James Baillie.

Acta January 1631-May 1632. Fol. 117, a.

Acta January 1631-May 1632. Fol. 117, a.

"The Lords of Secreit Counsell ordains Francis Steuart, sonne to the lait Erle Bothuell, who wes personallie present, to delyver to the Clerk of Counsell the morne at nyne of the clocke in the morning ane rentall of the Erledome of Bothuell and Abbacie of Kelso, subscrived with his hand, to be givin up to the Erle of Roxburgh and Bugcleuche, unto whome the Lords assignes Tuisday nixt for objecting aganis the said rentall and giving in of new rentalls subscryved with thair hands, everie ane for thair parts, whairof intimatioun wes made to the said Erle of Roxburgh, who wes personallie present, and to Laurence Scot in name of the Erle of Buccleuche, whois absence wes excused in respect of his knowne indispositioun and sickenesse."

Charge to Francis Stewart, son to the late Earl of Bothwell, to produce the rentals of the Earldom of Bothwell and the Abbacy of Kelso.

Decreta, March 1631-April 1632. Fol. 339, a.

[Sederunt as recorded above.]

Holyrood House, 15th March 1632.

Complaint by John Hamiltoun of Stainhous, and William Hamiltoun, notary, his son, as follows:—They have good and undoubted right to the Mill of Staikfurde with "the unfree and astricted multures thairof, dammes, water gangs, parts and pendicles of the same," whither the "haill oastlers and others changers and inhabitants of the toun of Dumfreis wer in use to come for grinding of thair malt, meale, peis and uther stuffe thir yeeres bygane," and these persons are under agreement with the complainers so to do, as they have done so long and are still willing to do. But lately James Maxwell, messenger, Adam Sturgeon of Troqueir, Thomas Maxwell, bailie of Dumfreis, and James Newell, smith there, at the command and direction of the provost and bailies of Dumfreis, have begun maliciously to trouble the said persons who come to the complainers' mill, threatening them with all manner of violence if they go to it with their stuff, and for this effect the said provost and bailies in October, 1631, by proclamation at their market cross and by tuck of drum throughout their whole town, discharged all their inhabitants, free and unfree, from taking their stuff to the said mill under a penalty of £10 for the first fault, £20 for the second, and so on, doubling the same *toties quoties*. Also on when John Blacklock in Dumfreis, who is one of the persons under the said agreement, was coming with his servants to the said mill with a load of malt, the said James Newell and Robert Maissoun, his servant, apprehended "the honest man and his hors with the malt and forced thame to goe to ane mylne callit the Bedmill where they keeped and deteanned him ane long space." Further, after the foresaid unlawfull discharge by tuck of drum, the persons foresaid directed a number of their inhabitants with horses to the complainers' said mill to surprise the same and carry away certain malt belonging to several inhabitants of Dumfreis which was there to be ground for their use. By these oppressions the said mill is like to become unprofitable to the complainers, and their agreement foresaid nullified, to their heavy hurt and prejudice. Charge

Complaint by John Hamilton of Stenhouse and his son against the magistrates of Dumfries and others for preventing the lieges from bringing stuff to the mill of the complainers.

Fol. 339, b.

having been given to Mr. John Corsane, provost, Thomas Maxwell, John Craik and Robert Richartsoun, bailies, Andrew [*sic*] Sturgeoun of Troqueir, James Newall and James Maxwell, and the said William Hamiltoun appearing for himself and his father, and Mr. John Corsane for himself and the other defenders, the Lords, after hearing parties, remit the case to the Lords of Council and Sessioun as the proper judges in such a matter. Decreta, March 1631-April 1632. Fol. 339 b.

Anent Thomas Gordon, brother of James Gordon of Letterfourie, and his religion.

The Lords, having read and considered a letter from John, Archbishop of S[t] Andrewes, to Adam, Bishop of Dumblane, consenting to a further prorogation to Thomas Gordoun, brother of James Gordoun of Letterfourie, for his conforming to the religion presently professed, and knowing the said Archbishop's "good dispositioun to use all faire and lawfull meanes to reclame the said Thomas fra his errours to the acknowledgement of the truthe," continue the warrant granted to him on 22nd November last for this purpose until 26th July next, upon condition that no further prorogation be granted to him hereafter for this cause. And the said Thomas, compearing personally, enacted himself under the penalty of 1000 merks to "enter in conference with his ordinar pastour betuix and the 15 day of Aprile nixtocome, and that he sall continue and heare conference twise in the weeke, if he be required, be the space of sax weekes." If during that time he cannot be moved to repair to the kirk for hearing of the Word, then he shall appear before the Council on the said 26th of July and underlie their further will and pleasure; and in the meantime he undertakes to carry himself modestly and soberly without giving occasion of offence or scandal to the Kirk. Fol. 340 a.

The Laird of Lochinvar.

"A missive to be writtin in favours of Lochinvar."

Sederunts, November 1629-January 1635. Fol. 77, b. Acta Januar. 1631-May 1632. Fol. 117, a.

Holyrood House, 20th March 1632.

Sederunt—Præses; Privy Seal; Linlithgow; Wintoun; Wigtoun; Roxburgh; Buccleuche; Galloway; Lauderdaill; Air; Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord Carnegie; Lord Tracquair; Clerk Register; Advocate.

Case of Francis Stewart and the Earldom of Bothwell.

"The quhilk day the Erles of Roxburgh and Buccleuche compeirand personallie before the Lords of Privie Counsell produced the rentall of the lands possest be thame of the Erledome of Bothuell and Abbacie of Kelso subscryved with thair hands, togidder with thair answeres and objectiouns aganis the rentall givin in be Francis Steuart, who wes present and whome the Lords ordains to give in his replyes thereto upon Thursday nixt."

Proposal by the magistrates of Edinburgh to build a new Parliament, Council, and Session House.

"The whilk day the provest and bailleis of Edinburgh, assisted with some of the town counsell, compeirand personallie before the Lords of Privie Counsell declared that they wer of purpose and intentioun for the ease and conveniencie of the Estaits and credite of the kingdome to build and raise ane Parliament hous and Counsel hous and Session hous, and thairfoir desired the saids Lords to assist thame with thair best Fol. 117, b.

Acta January 1631-May 1632. Fol. 117, b.

advice and directioun both anent the contryving of the hous and choise of the place where the same sall be seated. The Lords after hearing and consideratioun of the bussines allowed of the propositioun and gave thame heartie thankes for so worthie ane offer tending so muche to the credite of the kingdome; assuring thame that they would not be wanting to further and assist the bussines by thair best advice whenever the toun sall draw the platt and modell of the hous and consult the Lords tuicheing the fabrick and maner of contryvance of the same."

Charge to Francis Durham of Duntarvie, on the one part, and David Dundas, son to John Dundas of Newliston, on the other part, to appear before the Council and meanwhile to keep the peace.

"The Lords of Secreit Counsell understanding of the great appearance of trouble lyke to fall out betuix Francis Durhame of Duntarvie, on the ane part, and David Dundas, sonne to Johne Dundas of Newliston, on the other part, which will not faile to produce other inconveniences to the breake of his Majesteis peace without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging both the saids parteis to compear personallie before the saids Lords upoun the 29 day of Marche instant to underly suche course and order as sall be tane with thame tuicheing the peace and quyetnes of the countrie, under the pane of rebellioun, etc., with certificatioun, etc.; and in the meane tyme to command, charge and inhibite the saids parteis that nane of thame presoome nor take upon hand to invade, persew, trouble and molest one another for whatsomever deid, caus or occasioun, otherwayes nor be order of law and justice, either of thame under the pane of three thowsand merkes; certifeing thame that failleis that they sall be decerned to have incurred and to incurre the said pane of three thowsand merkes; and letters and executorialls sall be direct aganis thame for payment thairof in forme as effeiris."

Anent the coffer of the Master of Forbes. See *ante*, p. 443.

"The quhilk day Williame Forbes of Tolquhoun, compeirand personallie before the Lords of Privie Counsell, declared upon his oath that to his knowledge since the coffer conteaning the Maister of Forbes his writts came into his custodie the same wes never opened nor any writts abstracted nor tane furth thairof till the same wes openned be warrand of the Counsell and the writts inventared."

Decreta, March 1631-April 1632. Fol. 340, a.

[Sederunt as recorded above.]

Holyrood House, 20th March 1632.

Complaint by James Mitchelhill, indweller in Selkirk, against William Mitchelhill, his brother, whom he accuses of preventing him from selling his farms for the payment of his creditors.

Complaint by James Mitchelhill, indweller in Selkirk, as follows:— Their Lordships, in June last, with consent of his creditors, released him from ward in the tolbooth of Selkirk, where he had so long been warded by his brother William, upon assignations taken by him from his other creditors and comprising of his lands. The complainer has since entered upon a fair course for his brother's satisfaction, to whom he is due but 5000 merks. His brother gave him five years to pay this sum, and he has already paid 3000 merks. But because his said brother has the intromission with the complainer's estate, which is of the value of 10,000 or 12,000 merks, and will neither buy the farms and houses himself nor

suffer him to sell them to others, the rest of his creditors are prejudiced and himself and his poor family are likely to be reduced to extreme misery and want, as they have nothing to live upon. Charge having been given to the said William Mitchelhill, and both he and the pursuer compearing, the Lords, after hearing parties, remit and recommend to the magistrates and council of the burgh of Selkirk to make choice of some "indifferent" men to take trial of the accounts between the two brothers and compose their differences, wherein, if they fail, they are to report the occasion thereof to their Lordships upon the first Council day of June. Decreta, March 1631-April 1632. Fol. 340, a. Fol. 340, b.

Complaint by Jean Dow, widow of Mr. Ludovick Stewart, against Robert Stewart, brother of the said Ludovick, for hamesucken, illegal warding, and theft of writs pertaining to the complainer.

Complaint by Jean Dow, widow of Mr. Ludovick Stewart, as follows:—On September, 1627, or thereabout, Robert Stewart, brother of the said Mr. Ludovick, came with several accomplices, by way of hamesucken, to her dwelling-house in Linlithgow, "patt violent hands in her persoun, caried her to the tolbuith, deteanned her prisouner there be the space of aucht dayes as if she had beene some odious malefactour, not suffering anie to have accesse to her till she delyvered to the said Robert all her husbands evidents, writts and securiteis, with certane bands made be her said umquhill husband to his creditours, quhilks he had satisfied and wer in his keeping the tyme of his deceasse, as namelie, ane band of ane thowsand merkes made be her said husband to Thomas Edward, burges of Linlithgow, quhairunto the said Robert hes tane assignatioun and thereupon hes recovered decreit aganis the compleaners twa daughters as airis to her said umquhill husband. And after he had made the compleaner prisouner in the said tolbuith, he come to her hous, brake up ane truncke within the same quhairin her husbands cloathes wer, to witt, ane blacke satein doublett, ane paire of velvet breiks and ane cloake lapped with velvet, with certane writts and discharges quhilks he intromitted with and caried away with him." Both parties compearing, and they and certain witnesses having been heard, the Lords assoilzie the defender, as nothing has been proved by them against him. Fol. 341, a.

Complaint by John Ross in Crichton of Lumphannan against Robert Carnegie in Wester Kincardine for assault.

Complaint by John Ros in Craigtoun of Lumphannand, as follows:—In November 1624 Robert Carnegy in Wester Kincardin having slain Alexander Ros in Kincragie was criminally pursued therefor by the gentlemen of the name of Ros. For this cause alone he conceaved a deadly hatred against them and the complainer among the rest, and he and Alexander Duncan, his servant, on 3rd October last lay in wait for the complainer between Murealehous and Kincardin to take his life, fiercely assailed him on the highway and gave him a number of strokes upon the head and body with a baton, and then drawing their swords and dirks would have despatched him if some people near by had not interveened, whereat with many execrable oaths they threatened to take the complainer's life. The pursuer and the said Robert Carnegie compearing personally, the former declared that he passed from his complaint against Carnegie, and the said Alexander Duncan not compearing, the Lords ordain him to be put to the horn and escheat. Fol. 341, b.

Decreta, March 1631-April 1632. Fol. 341, b.

Supplication by John, Earl of Mar, baron of the barony of Carnwath "quhilk is erected in ane burgh of baronie," as follows:—The ordinary market day of the said burgh "hes beene in all tyme bygane keeped upon the Sunday weekelie, quhairat now latelie the presbyterie of Lanark hes tane offence as being ane occasioun and meane of profanatioun of the Lords Sabboth and in that regarde contrarie to the lawes of the kingdome, discharging the keeping and holding of mercat upon Sunday." He craves that their Lordships would by an act of Council change the day from Sunday to Friday weekly. This the Lords do, ordaining "the said mercat day formerlie keeped upon Sunday at the burgh of Carnwath to be keeped in all tyme comming weekelie upon Fryday," and that proclamation hereof be made at all places needful. Supplication by John, Earl of Mar, that the market-day of Carnwath may be changed from Sunday to Friday.

Supplication by James Lumisden, sometime of Mordingtounheid, as follows:—He has several actions to pursue before their Lordships and the Lords of Council and Session against Sir James Dowglas of Mordingtoun, knight, for certain oppressions, "spulyies" and other wrongs, which will be hindered by reason of some civil hornings under which the supplicant lies, unless their Lordships provide a remedy. He therefore craves their protection for a space. This the Lords grant until 29th March instant, so that he may appear before the said Lords upon the 27th and enact himself to pursue for the alleged wrongs at the diet then to be fixed. Supplication for protection by James Lumsden, sometime of Mordingtounheid.

"The protectioun grantit to Josias Stewart and the Laird of Blairquhan continewed to the tent of Aprile; and the protectioun grantit to Sir Johne Scott of Newburgh continewed to the fourt of Aprile nixt. Continuance of protection to Josias Stewart and others.

Sederunts, November 1629-January 1635. Fol. 78, a.

"The Lords ordains the Bishop of Dumblane and Sir Thomas Hope, his Majesteis Advocat, to call before thame Robert Scot, prisoner in the tolbuith, and to examine him upon suche interrogatours as sall be given aganis him tuicheing the moneyes takin be him and Robert Johnestoun fra James Stevin, and to report upon Thursday." Holyrood House, 20th March 1632. Anent the examination of Robert Scot.

Fol. 78, b.

"The Lords prorogats the dyet appointed to the commissioners for tryell of Mr David Wedderburns grammar for reporting thair judgement and opinioun tuicheing the same till the 27 of this instant." David Wedderburn's Latin Grammar.

Acta January 1631-May 1632. Fol. 118, a.

Sederunt—Chancellor; Præses; Privy Seal; Wintoun; Linlithgow; Perth; Wigtoun; Roxburgh; Buccleuche; Gallouay; Lauderdaill; Iles; Lord Lorne; Lord Melvill; Carnegie; Tracquair; Bishop of Dumblane; Master of Elphinstoun; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Holyrood House, 22nd March 1632.

"The whilk day Francis Stewart reproduced the rentalls givin in be the Erles of Roxburgh and Buccleuche and answeris givin in be thame to the said Francis Stewart his rentall, togidder with his replyes to thair answeres, quhilks wer givin up to the parteis to be seene and reproduced be thame the morne." Francis Stewart and the rentals of the Earldom of Bothwell.

Holyrood House, 23rd March 1632.

Sederunt—Chancellor; Præses; Privy Seal; Wintoun; Linlithgow; Perth; Wigtoun; Roxburgh; Buccleuche; Gallouay; Lauderdaill; Bishop of Dumblane; Iles; Melvill; Carnegie; Tracquair; Master of Elphinstoun; Clerk Register; Advocate; Justice Clerk; Sir James Baillie. Acta January 1631-May 1632. Fol. 118, a.

Anent the same.

"The whilk day there were twa interloquutours givin be the Lords of Privie Counsell anent the rentalls givin in be the Erles of Roxburgh and Buccleuche and Francis Steuart, the one bearing that the tryell of the saids rentalls sall onelie be extendit to such landis and teinds as the Erles of Roxburgh and Buccleuche possesse in the forefaltour of the lait Erle Bothuell, conteaning lykewayes ane declaratioun of the saids Erles tuicheing suche lands as they possesse otherwayes then in the right of the forefaltour; and the other interloquutour anent the dyet and forme of probatioun of the saids rentalls."

Declaration of the Earl of Roxburgh anent the Earldom of Bothwell.

"The quhilk day Robert, Erle of Roxburgh, compeirand personallie before the Lords of Privie Counsell, declared that the lands of Halyden, Clarilaw, Neather Ancrum, Hassindenbanke, and thair pertinents with the teinds of the kirk of Lyllislee could not fall under the tryell foresaid in regarde he bruiked thame by another title nor the right of the forefaltour and wes in possessioun thairof before the forefaltour. Quhairupoun Francis Steuart past fra the valuatioun of the saids lands and teinds *pro loco et tempore* without prejudice of his right thairto as accords of the law."

Holyrood House, 23rd March 1632.

[Sederunt as recorded above.] Decreta, March 1631-April 1632. Fol. 342, a.

Continuance of protection to Hector M'Lean and others.

The Lords continue the protection formerly granted to Hector McClaine, younger of Dowart, Lachlan McClaine of Coill, Hector McLauchlane *alias* McClaine, and John Dow Garroch McClaine, for their attending the Lords anent the action raised against them by Sir Lachlan McClaine of Morverne until 15th April next.

Holyrood House, 23rd March 1632. Hector M'Lean and others to remain in Edinburgh.

"The Lords ordains McClaine and his brother and the rest of the Ylismen to remaine and not to depart furth of the toun till they be warranted be the Counsell." Sederunts, November 1629-January 1635. Fol. 78, b.

Holyrood House, 23rd March 1632. Letter to his Majesty anent a Scottish ship that has been seized by a West Flanders freebooter and taken into Ostend.

Most sacred Soverane, There wes ane petitioun givin in to your Majesteis Counsell the last Counsell day be George Suttie, Thomas Moffet, Johne Stevinsoun, and a nomber of others your Majesteis good and faithfull subjects, inhabitants of the burgh of Edinburgh, proporting that they having laitlie loadned ane ship of Leith, quhairof Johne Broun is maister, with plaiding, skinnes, hydes and others lawfull and coastlie commoditeis, and the schip being upon her dew course toward her staple port of Campvere, whither they expected a full and peaceable passage without trouble or persute of anie of the Dunkirkers or other subjects of West Flanders in respect of the good and happie peace whiche after Royal Letters. 1623-33. Fol. 204, b. Fol. 205, a.

Royal Letters, 1623-33. Fol. 205, a.

so manie yeeres heavie vexatioun to the subjects of this kingdome your Majestie had concluded with that estait, yitt they wer persewed and boorded neere and in sight of thair port be a Dunkirke or some other freebooter of West Flanders and thair ship seazed upon and tane into Ostend, where they intend to declare the ship and goods ane lawfull pryze, under cullour of some little quantitie of flowre, talloun and other small triffles, callit be thame bastimenta, quyetlie convoyed and putt in the ship be some of the mariners without the knowledge of the merchants be whome the ship wes loadned; and thair humble desire unto us wes that we should represent this mater to your Majestie for some royall course to be takin be your Majestie towards the restitutioun unto thame of thair shippe and goods, especiallie seing they trewlie pretend misknowledge of the poore mariners doing and of anie prohibitioun agreed upon betuix your Majestie and that estait anent the carying of that quhilk they call bastimenta to thair enemie. This petitioun and the equitie of the desire thairof being considderit at the Counsell table and we finding that in so important a bussines, quhairin the utter wrecke of a nomber of your faithfull subjects depends, we could not in reasoun refuise the same, we have thairfoir presoomed in most submissive reverence humblie to intreate your Majestie to interpone your royall countenance to the helpe of thir your distrest subjects and restitution to thame of thair ship and goods, and for this effect that your Majestie will be graciouslie pleased to write in thair favours to the Infanta and lykewayes to the ambassador resident there to sollicite this busines with her, that so your poore distrest subjects may find the comfortable effects of your fatherlie and princelie care of thame. And so humbelie craving pardoun for this our presumptioun and praying God, etc. Halyrudhous, 23 *Martij*, 1632. *Subscribitur*, Dupline, Stratherne, Hadintoun, Wintoun, Perth, Lauderdaill, Dumblane, Melvill, Carnegie, M^r^ of Elphinstonn, Hamiltoun.

Holyrood House, 23rd March 1632. Letter of Council to his Majesty anent the trial of a Scottish naval case before the English Court of Admiralty.

Fol. 205, b.

"Most sacred Soverane, There wes ane petitioun preferred to your Majesteis Counsell upon the 15 day of Marche instant be Johne Gordoun of Lochinvar compleaning that one, Williame Weir, lait maister of his shippe callit , hes intentit ane processe aganis him and Johne Gordoun, his servant, before the Court of Admiralitie of that kingdome for some compts, reckonings and others seafaring maters concerning thame during the tyme of the said Williame his charge of that shippe, and that the judges of the said court ar going on in that processe aganis him and his said servant aganis the dignitie and fredome of this your ancient kingdome. This petitioun and the consequences of the actioun being gravelie disputed at the Counsell table, especiallie that suche a noveltie so prejudiciall to this kingdome sould be introduced or intentit without a preceeding warrant established with consent of both parliaments, the parties being natives of this kingdome, and the actioun a Scotish actioun, and the said Laird of Lochinvar having the lyke actioun now in depend-

ence before the Court of Admiralitie heere aganis the said Williame; and whereas examples of this kynde ar verie dangerous and gives just caus of greeffe and miscontentment to your faithfull subjects heere, and we being confident that your Majestie out of your royall respect to the fredome of both kingdomes will be carefull to prevent all occasiouns quhilks may foster and interteane such needlesse maters of miscontentment, we have thairfoir presoomed in all submissioun and reverence to give notice heerof unto your Majestie, and humbelie to intreate your Majestie in your princelie wisdome and affectioun to the libertie of this your ancient kingdome to give ordour and directioun that no forder be proceedit in that processe, and that no record thairof at all be keeped there. And so, etc. Halyrudhous, 23 *Martij*, 1632. *Subscribitur*, Dupline, Stratherne, Hadintoun, Wintoun, Perth, Lauderdaill, Dunblane, Melvill, Carnegie, M^r^ of Elphinstoun, Hamiltoun." Royal Letters, 1623-33. Fol. 205, b.

Holyrood House, 27th March 1632.

Sederunt—Chancellor; Præses; Privy Seal; Murrey; Wintoun; Linlithgow; Perth; Buccleuche; Gallouay; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Tracquair; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie. Acta January 1631-May 1632. Fol. 118, b.

James Grant. "The quhilk day the Lords of Secreit Counsell finds by interloquutour that it is expedient to examine and demand James Grant upon the generall tuicheing his assistants, abbetters and hounders out, bot not to putt him to his oath thereupoun nor to make anie record of his depositions, quhilk was accordingly done."

Postponement of the trial of Alaster Grant. "The Lords of Secreit Counsell upon good respects and considerationns moving thame ordains and commands his Majesteis Justice, Justice Clerk and their deputs to continew the dyet appointed for the tryell of Alaster Grant, prisouner in the tolbuith of Edinburgh, upon suche crymes as he is challenged before thame till the twentie day of Junij nixt, quhereanent the extract of this act sall be to thame ane warrand."

Declaration of the Commissioners anent Mr. David Wedderburn's Latin Grammar. "The whilk day in presence of the Lords of Secreit Counsell compeired personallie Adam, Bishop of Dumblane, and Sir Johne Scot of Scotistarvet, twa of the commissioners nominat be the saids Lords for revising of M^r^ David Wedderburnes grammar, and gave in the report underwritten of the saids commissioners thair proceedings thairanent subscryved with thair hands. Quhilk report being read, heard and consideritt be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains the same report to be insert and registrat in the bookes of Privie Counsell, of the quhilk the tennour follows:—*Apud Edinburgum*, 26 *Martij*, 1632. The Commissioners under-subscryvand appointed be the Lords of his Majesteis most honourable Privie Counsell for revising and rectifeing of ane grammar made by Mr. David Wedder-

Acta January 1631-May 1632. Fol. 118, b.

burne, schoolemaister at Aberdein, having sindrie tymes mett thereanent and having heard the observatiouns and animadversiouns made aganis the same be Mr James Gleg, schoolemaister at Dundie, and having attendit to have heard the objectiouns of Mr. Robert Williamesone, sometyme schoolemaister at Couper, who be the Lords of Counsell was ordained to use the samine before the saids commissioners, and he not compeirand [at] anie of the saids dyets except upon the nynetene day of this instant, where he produced no materiall objectioun worthie of consideratioun, and being ordained to compeir upon this day the 26 of Marche and not having compeired bot deserted the said dyet, the saids commissioners finds, according to the Lords of Secreit Counsell thair meaning, That the said Mr David Wedderburne his grammar sall onelie be receaved, rectified and amended in suche particulars as the saids commissioners hes thought or sall thinke expedient betuix and the secund Moonday of Junij nixtocome, at quhilk tyme, God willing, the saids commissioners sall report thair full judgement and determinatiouns in the said mater concerning the said grammar, that the Lords of Secreit Counsell may interpone their auctoritie and approve the same as they sall thinke most fitt for the weale of the youth of the kingdome; whilks they have willed my Lords of Dumblane and Scottistarvet to report to their Lordships. *Sic subscribitur* Ad. B. of Dunblane, J. Scottistarvet, T. Henryson, M. A. Ramsay, Mr Johne Adamsone, Dr George Sibbald, Mr R. Burnet."

Fol. 119, a.

Decreta, March 1631-April 1632. Fol. 342, a.

[Sederunt as recorded above.]

Holyrood House, 27th March 1632.

Complaint by Mr. George Leslie at Birsackmylne and James Arbuthnet in Kinmundie against Andrew Forbes at the Mill of Clinterlie, for illegally procuring a decreet of horning against the complainers.

Complaint by Mr. George Leslie at Birsackmylne and James Arbuthnet in Kinmundie, as follows:—They are informed that Andrew Forbes at the Mill of Clinterlie, with concurrence of his Majesty's Advocate, had obtained a decreet from their Lordships for denouncing them rebels for not appearing on 23rd February last to answer to their complaint against them, whereas they were never lawfully charged nor competent time given them to compear in regard of the unseasonableness of the weather. Further, the said James Arbuthnet came, immediately after the rising of the Council, for the purpose of clearing himself; and they have found caution in £100 to compear this day; in respect whereof the said horning should be suspended. Parties being called and the said Mr. George Leslie compearing personally, and the said Andrew Forbes by Mr. James Kennedie, servitor to Mr. James Baird, Advocate, his procurator, and the case having been gone into (*ante* p. 434), the said procurator referred the truth of the complaint to the oath of the said Mr. George Leslie, who deponing negatively, the Lords assoilzie him. They find, however, that the letters of horning against James Arbuthnot [*sic*], are orderly proceeded, and ordain them to be put to further execution, and in respect of his non-compearance they

Fol. 342, b.

Fol. 343, a.

decern Robert Keith, Writer to the Signet, who became cautioner for his appearing this day, to have incurred the penalty of £100, for payment of which letters are ordered to be directed. Decreta, March 1631-April 1632. Fol. 343, a.

Supplication by James Lumsden in Mordington for protection to his mother and brother, in connection with a case of the supplicant now before the Council.

Supplication by James Lumsden in Mordingtoun, as follows:—Upon his Majesty's letter to their Lordships for granting the supplicant a protection in order that he might in safety proceed with a complaint he has given in against Sir James Dowglas of Mordingtoun, they granted him till the 29th instant, so that he might compear this day and enact himself to pursue the complaint foresaid. This he is now ready to do. As, however, the complaint concerns not himself only, but also his brother, and Elspet Ramsay, his mother, he craves that their Lordships would include them in the protection to be granted to him. The Lords grant their warrant to these three persons until 15th April next, because the supplicant has enacted himself to appear before them on 13th April next and insist in his said complaint, and also not to bear any weapons, under the penalty of 500 merks. Fol. 343, b.

Complaint by John Stewart, brother to the Earl of Galloway, against Alexander Cunningham of Powton, whom he accuses of having illegally obtained protection from the complainer.

Complaint by John Stewart, brother to the Earl of Galloway, as follows:—Alexander Cunninghame of Powtoun is due to him several sums of money of which he hoped either to have received payment, or to be secured of, when he consented to his obtaining their Lordships' protection until 15th March instant. For this end he attended and awaited upon the said Alexander but has been totally disappointed. He understands that he has obtained a prorogation of his protection from their Lordships until 15th April next upon the narrative that he is taking order with his creditors, which he has no purpose or intention of doing, but only seeks it for his own private ends. Charge having been given to the said Alexander Cunninghame, and he and the pursuer compearing and having been heard, the Lords discharge the protection granted to Cunninghame so far as concerns the pursuer and ordains the same to be of no force after Thursday next, the 29th instant, at night. Fol. 344, a.

Supplication for continuance of his protection by Cuthbert M'Keen, tailor, burgess in Edinburgh.

Supplication by Cuthbert M^{c}Keen, tailor, burgess of Edinburgh, as follows:—He has sustained great trouble and misery by becoming cautioner for James Aikman, merchant burgess of Edinburgh, having been long warded; but his whole estate and means, which were not small, being now engaged for these debts, his creditors have suffered him for years past to proceed and go on in his calling. Now "some malicious persouns, invying his thryving estait and perceaving his imployment in his calling to grow, they have resolved to doe what in thame lyes to crosse and afflict him by stirring up his creditours to use the rigour of the law aganis him, who otherwayes of thameselffes ar verie unwilling thereto, being perswaded (as they have found be experience) that his imployment in his calling is and will be ane effectual meane of thair satisfactioun. And whereas it is weill knowne that he hes ever dealt most honestlie with his creditours and wes never

Decreta, March 1631-April 1632. Fol. 344, a.

mynded to defraude thame in anie thing dew to thame, and that his burdeins ar bot small, quhilks he will easilie overcome if the malice of his unfriends stay not his imployment," he craves their Lordships' protection for some time. The Lords ordain a macer to pass and warn the supplicant's creditors to appear on 13th April next and hear protection granted, and meanwhile grant their warrant to him until 15th April.

"The lyke warrant granted to James Crawfurd to the same day and he ordained to warne his creditours also." Protection to James Crawfurd.

Fol. 344, b.

Supplication by Francis Durhame of Duntarvie as follows:—He is charged to appear before their Lordships on 29th March instant, and before the Justice upon 12th April next upon the complaint of David Dundas, son of John Dundas of Newliston; and he is most willing to compear, but the fear of some civil hornings of which his adversary intends to take advantage is a hindrance. He accordingly craves their Lordships' protection. This the Lords grant till Friday next at night, the 30th instant. Supplication for protection by Francis Durham of Duntarvie.

Supplication by Andrew Dicksoun, master shipwright to his Majesty, as follows:—Their Lordships' protection granted to him until his Majesty's Treasurer should make payment to him of his disbursements in his Majesty's service expires on the 31st instant, and seeing that if he were paid he could satisfy all his creditors and have something over, and that as yet the Treasurer has paid him nothing, he craves a continuance of his protection. The Lords grant this until 15th June next. Similar supplication by Andrew Dickson, master-shipwright to his Majesty.

Fol. 345, a.

"The lyke warrand grantit to Johne Traill of Blebo for sattling his compts with his uncle; and to Sir George Crawfurd of Lesnoreis till the said fyftene day of Junij nixt." Protection to John Traill of Blebo.

Sederunts, November 1629-January 1635. Fol. 79, a.

The Sederunts show an *ante meridiem* Session at which all the Lords of Council contained in the Sederunt [*post meridiem*] were present, except Murrey, Linlithgow, Bugcleuche, the Bishop of Dumblane and the Clerk Register. Holyrood House, 27th March 1632.

"The Lords ordains the Bishop of the Yles and M^cClayne to have thair clames and answers in readinesse to be givin in be the arbitrators chosin be thame for decerning upon thair differences upon Thursday nixt at sevin of the clocke in the morning in the laich counselhous of Edinburgh." Case of the Bishop of the Isles *versus* M'Lean. See *ante*, p. 336.

"The Lords appoints the nixt Counsell day to be upon the 13 of Aprile." The next Council day.

Acta January 1631-May 1632. Fol. 119, a.

Sederunt—Chancellor; Præses; Privy Seal; Murrey; Wintoun; Linlithgow; Perth; Wigtoun; Lauderdaill; Bishop of Dumblane; Iles; Lord Lorne; Melvill; Tracquair; Clerk Register; Advocate; Sir John Scot; Sir James Baillie. Holyrood House, 29th March 1632.

Proclamation announcing the pleasure of his Majesty that there should be equality of imports between England, Scotland, and Ireland.

Acts January 1631-May 1632. Fol. 119, a.

" Forsameekle as the Kings Majestie affecting the generall trade and commerce of all natiouns under his Majesteis governement of whome he hes equall care and charge, and intending as his royall father of happie memorie by severall warrands and letters patent declared, that his subjects of his severall kingdomes might at equall charge trade in all and everie of thame without distinctioun by being charged with farther customes or other dewteis than the naturall subjects of that kingdome wherein they trade aucht to pay, thairfoir his Majestie doeth by thir presents signifie and declare unto all these whome it doeth or sall concerne that his royall will and pleasure is, and he doeth expresselie command that no more greater nor other customes, subsideis, butlerage, prisage, tonnage, pondage, impositiouns, dewteis, payments or soumes of money, fees for entreis or other fees or rewards whatsoever sall at anie tyme heerafter be takin, receaved, exacted, required, challenged or demanded be anie of his officiars or subjects of his kingdome of Scotland of anie Englishman or Englishmen, Yrishman or Yrishmen, or anie other persoun or persouns borne within anie of these his Majesteis realmes of England and Yreland for or in respect of thair countrie and natioun or for that anie of thame be not naturall borne subjects of his realme of Fol. 119, b. Scotland, or for or in respect of anie of the shippes, pinnaces, barks, boats or vessellis of anie suche Englishman or Englishmen, Yrishman or Yrishmen comming, remaining or arryving within anie port or ports, haven or havens, creeke or place, creeks or places within the said kingdome of Scotland and yles thairof, or anie of thame for exercise of trade of merchandise, or for or in respect of anie goods, wairs or merchandice or commoditeis whatsoever by anie such Englishman or Englishmen, Yrishman or Yrishmen imported and brought in or exported and caried out of the said kingdome of Scotland and yles thairof or anie of thame than onelie suche and the same quhilks ar and lawfullie aucht to be takin of the naturall borne subjects of Scotland and of thair shippes severallie and respectivelie in the lyke cases and for the lyke respects. And forder it is his Majesteis expresse pleasure, that no greater nor other custome, subsideis, butlerage, prisage, tonnage, pondage, impositiouns, dewteis, payments or soumes of money, fees for entreis or other fees or rewards whatsoever sall at anie tyme heerafter be takin, receaved, exacted, required, challenged or demanded be anie of his officiars or subjects of England and Ireland of anie Scotishman or Scotishmen or anie others borne within the said kingdome of Scotland for or in respect of thair persouns, countrie or natioun, or for that anie of thame be not naturall borne subjects of the saids realmes of England and Ireland or anie of thame, or for or in respect of anie goods, wairs or merchandice imported or imbrought into the saids realmes of England and Ireland or exported and caried out frome thence, than suche and the same quhilks ar and lawfullie aucht to be takin, required and had of the naturall borne subjects of England and Ireland severallie and respectivelie in the

Acta January 1631-May 1632. Fol. 119, b. lyke caises, and for the lyke respects; and that notwithstanding of anie former law, custome, ordinance, usage, provisioun or other mater or thing whatsoever, to the contrarie: Willing and straitlie charging and commanding heirby all his Majesteis officiars, ministers and subjects whatsoever, als weill within the saids kingdomes of England and Ireland as within the said kingdome of Scotland, whome it apperteanes, that they and everie of thame take full notice and understanding of this his Majesteis royall pleasure and commandement and to see the same dewlie observed in all things according to the tennour and trew meaning of the same, upon pane of his Majesteis heavie indignatioun and displeasure and of suche punishments and penalteis as by his Majesteis lawes and Fol. 120, a. statuts can or may be inflicted and imposed upon wilfull contemners of his Majesteis commands and prerogative royall. Nevertheless his Majesteis royall intent and meaning is, and he doeth heirby signifie and declare, that all and everie his subjects of anie of his saids realmes and dominiouns sall be subject to suche forefaltours and penalteis in caise of deteaning of custome or other dewteis and cullouring of strangers goods or other wayes in lyke maner as the subjects of anie of his saids realmes and dominiouns respectivelie be the lawes and statuts of anie of thame or be his Majesteis prerogative royall ar or sall be found lyable unto. And thairfoir the Lords of Secreit Counsell, according to his Majesteis warrand and directioun, ordains letters to be direct to heralds, pursevants and officiars of armes charging thame to pas to the mercat croces of the heid burrowes and seaports of this kingdome and others places neidfull, and there be opin proclamatioun to mak publicatioun heirof to all and sindrie his Majesteis lieges and subjects, whairthrow nane pretend ignorance of the same."

Act anent Lord Lorne's liberty of justiciary within the Isles.

"Forsameekle as the Lords of Secreit Counsell considdering that in the executioun of the libertie of justiciarie grantit be his Majestie to Archibald, Lord of Lorne, within the bounds of the Yles and others conteanit in his infeftment thairof, sindrie offences will occurre and fall out to be tryed whiche being criminall in thameselffes will in the rigour of law make the committers thairof to be lyable to bodilie punishement or to high and great fynes, whilks the said Lord of Lorne cannot modifie without advice of the Counsell, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full warrand, power and commissioun, and tharewithall authorizes and allowes the said Lord of Lorne to proceed to the tryell of all crymes and offences whairof he hes the power of tryell be his said infeftment and be the lawes of the kingdome, and to fyne the persouns delinquents who sall be found culpable of anie of the crymes fynnable and conteanned in the act of Secreit Counsell made anent the Circuit Courts and whairof the said Lord hes power of judgment as said is."

Francis Stewart and the Earl of Buccleuch.

"The Lords continewes the answering of the bill givin in be Francis Steuart with the Erle of Buccleuches answers thereto togidder with the

booking and extracting of twa interloqnutours concerning the rentalls till the threttene day of Aprile nixt." Acta January 1631-May 1632. Fol. 120, a.

[Sederunt as recorded above.]

Holyrood House, 29th March 1632.

Decreta, March 1631-April 1632. Fol. 345, a.

Complaint by Mary Macfarlane in Dumbarton against John Porter in Dumbarton, the Provost of the said burgh and others for seizing property which belonged to the complainer and for illegal warding.

Complaint by Mary Macfarlane in Dumbartane, as follows:—The late John Elder in Dumbartane, her uncle, "a little before his death, being fyve score yeeres or thereby, having desired the complainer to attend him in his sickenesse, he shortlie thereafter dispouned be legacie to her all that he had, as the testament in the hands of Walter Watsoun, notar, beiris; and he gave to her the keyes of the utter doore of his hous. Bot how soone he died Johne Porter in Dumbartane, Coline Elder at the Kirk of Lus, James Hall, provest of Dumbartane, and Thomas Fallowsdaill there come to the compleaners said uncles loodging, violentlie brake up the doores thairof and kists within the same and possest the said Johne Porter with the haill goods and geir being therein; and becaus the compleaner would not renunce her part of the legacie for twentie punds the said provest committed her to waird in thair tolbuith and deteanned her in great miserie be the space of twelffe weekes, she being his Majesteis free subject, and they dealt with the said Walter Watsoun to keepe up the legacie frome her so as by no meanes she can gett the same frome him to confirme it, quherby they intend to wrack and undoe the poore simple woman, who hes no meanes to live upon, bot is now forced to goe up and doun the countrie in the qualitie of a begger." Charge having been given to the said James Hall, John Porter, Thomas Fallowsdaill, and Walter Watsoun, and the pursuer compearing and also the said defenders, except Fallowsdaill, and they and certain witnesses having been heard, the Lords assoilzie them as nothing was proved against them. But because it is evident to their Lordships that the pursuer has maliciously troubled the defenders and a great number of witnesses, who had come to depone in the matter, without any just ground of complaint, they allow the provost and bailies of Dumbartane to apprehend her when she comes to Dumbartane, commit her to ward for such a time as they think meet and thereafter scourge her through their town. Fol. 345, b.

Complaint by the wrights of the Canongate against the wrights of the burgh of Edinburgh.

Complaint by Henry Edingtoun, deacon of the wrights of the Cannogait, and James Grahame, David Russell, John Henrie, William Dureward, Alexander Torrie and William Hunter, also wrights there, for themselves, and in name of the whole body of their craft, as follows:—"After manie oppressiouns committed be the wrights of Edinburgh upon thame and thair servants in making and selling of thair worke upon the ordinarie mercat dayes within the burgh of Edinburgh and upon anie worke day within thair awne liberteis to anie persouns willing to buy the same, contrarie to the laudable and uncontrolled custome observed be thame in this caise past memorie of man," they complained to their Lordships in the year 1604, and obtained a decreet against the wrights of Edin-

Decreta, March 1631-April 1632. Fol. 346, a.

burgh and their deacon ordaining them to desist "fra making of anie stoppe, trouble or impediment to the supplicants in presenting thair worke to the mercat of Edinburgh and selling the same upon the ordinarie mercat dayes, and fra troubling them in working outwith the fredome of the burgh of Edinburgh to anie inhabitant thairof who pleased to imploy thame, and in bringing the worke so wrought be thame and setting up the same to the awners thairof at all tymes when the occasioun presents," as the said act in their Lordships' books shows. They looked "that thair ancient libertie and priviledge" thus strengthened would not be further quarrelled, yet in contempt of their Lordships' said decreet, the deacon and wrights of Edinburgh have troubled and oppressed them since that date, as the following particulars show. On May, 1623, James Dennistoun, then deacon of the wrights of Edinburgh, accompanied by several of his brethren and others, took from some of the complainers' craft and their servants, viz., from James Grahame "ane coffine or dead kist made be him to ane barne of Archibald Naper," gentleman; and from David Russell, on October, 1624, "ane kist" made by him for the deceased John Dick, son of the deceased Walter Dick, writer; further on William Stewart, officer to the said wrights of Edinburgh, and others at their command took from John Henrie "ane kist" made by him, which he was carrying to the house of Mr. John Sandilands, advocate; on John Franke, then deacon of the said wrights, and several of his accomplices, took from the said William Durward "ane kist" made by him for the deceased William Campbell, tailor; on the said James Dennistoun and others violently "reft frome the said Alexander Torrie ane kist" made by him for a servant of the deceased Agnes Stirline, mother of Mr. James Raith of Edmistoun; and now lately on 1st February last John Young, Andrew Haistie, John Haitlie, Thomas Henrie, and Alexander Baxter, wrights in Edinburgh,

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and others "violentlie tooke from the said William Hunter ane kist of aik" made by him for the deceased Isobel Spinke, widow of Captain Hunter, which he could only redeem from them by consigning five dollars in the hands of Alexander Cleghorne, their deacon, which they still retain. All these articles were wrought by the said persouns within their own booths. These oppressions will continue and increase, as it is threatened they will, if the Lords do not, by the punishment of these transgressors of their act, and the securing of the complainers in the peaceful exercise of their privileges, provide a remedy. Charge having been given to the said Alexander Cleghorne, Thomas Henrie, John Haitly, John Franke, James Dennistoun, Alexander Baxter, and Andrew Haistie, and the pursuers compearing personally, accompanied by James Aittoun and Henry Bannatyne, bailies of the Cannogait, who concurred with them in this complaint; Mr. David Prymrois, advocate, compearing as procurator for Robert, Earl of Roxburgh, for his interest as baron of the regality of Brouchtoun; and the said Alexander Cleghorne, John

Franke, James Dennistoun, Alexander Baxter, and Andrew Haistie also compearing accompanied by Robert Achesoun, one of the bailies of Edinburgh, for himself, and in name of the provost and remanent bailies of the said burgh, who concurred with the defenders, and declaring that they did nothing in what was alleged against them but by warrant and authority from the said provost and bailies, who by virtue of an act of Parliament made by the late King James in his twelfth Parliament, *cap.* 154, were authorised to act as they did, desired further that, as this action "dippes upon the liberteis and priviledges of the said burgh," it might be remitted to the Judge Ordinary, in terms of a letter from his Majesty in which he expressed his royal will and pleasure "that in all causes concerning the rights and priviledges of the said burgh of Edinburgh quhilks sall come in before the saids Lords that they sould give order for sattling of the same as the lawes of the kingdome doe allow, and in all things of that nature that ar to be judged before the Colledge of Justice that the saids Lords sould use thair auctoritie in putting the same to executioun." They adduced also two instances of decisions given by their Lordships in similar actions between the craftsmen of Edinburgh and the Cannogait, one on 8th February, 1616, when George Lathreis, servitor to George Torrie, "glassinwright in the Cannogait," summoned the bailies of Edinburgh for illegally apprehending and warding him because he had brought in to the said burgh, set up and mended some glass windows there, but whom their Lordships assoilzied and put the complainer and his master under caution to abstain from the like in future under a penalty of £20 *toties quoties*. The other case was on 13th March 1610, when the weavers of the Cannogait brought an action similar to the present against the "wobsters" of Edinburgh, which their Lordships remitted to the consideration and decision of the Lords of Session as the judges competent thereto. Moreover, the defenders urged, "the bringing in of coffines and dead kists frome the Cannogait to the burgh of Edinburgh must be interpret to be ane direct working within the said burgh of Edinburgh, quhilk priviledge no unfreman can lawfullie challenge, becaus the maker of the coffine must take the lenth and breadth of the corps for whome it is made, he must call the nailes, dresse, calfat and perfyte the coffine after it is brought in, quhilk is a direct working." It was replied to this by the pursuers and Mr. David Prymrois that this action is proper only to their Lordships' judgment because of the violence libelled by the pursuers against the defenders of "ane violent oppositioun made to thame to discharge a commoun dewtie of thair calling to the dead, and by the violent taking of thair coffines and moneyes frome thame without calling of thame to thair answere and without decreit and sentence givin aganis thame." Further, the said burgh of the Cannogait is the burgh of regality, and the pursuers again oppose their Lordships' decreet of 2d February 1604 to the pleadings of the defenders. To which it was answered by the

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defenders that this decreet cannot militate against the provost and bailies of Edinburgh, who alone have power within their own jurisdiction to put the Act of Parliament referred to to execution; and, moreover, in the said decreet it is provided that it will always be without prejudice to the magistrates of the burgh of Edinburgh and others having power to stop and debar all unfreemen to do any work within their said burgh as accords of the law. They therefore adhere to their former desire that this matter be referred to the Lords of Council and Session. The Lords, having heard parties, find and declare "That the wrights of the Cannogait may worke and make coffines and dead kists to anie gentlemen within the burgh of Edinburgh for the tyme and to others not being burgesses of the said burgh and to bring in the same to be delyvered to the parteis whome they concerne at all occasiouns aff the mercat dayes; and finds and declares that the saids wrights of the Cannogait may not make and bring in to the said burgh anie coffines or dead kists to be delyvered to anie burgess of the said burgh to the use of thame and thair famileis bot upon the ordinar mercat dayes; and thairfoir finds and declares that the saids defenders hes done wrong in taking of the kists foresaids quhilks wer made to others nor to burgesses and decernis thame to delyver backe agane to the saids persewers the saids dead kists togidder with the fyve dollors abonewrittin."

Fol. 348, a.

Complaint by Francis Durham of Duntarvie against David Dundas, portioner of Philpstoun, for assault.

Complaint by Francis Durhame of Duntarvie, as follows:—On 9th March instant, David Dundas, portioner of Philpstoun, having at his own hand tilled a part of the common muir of Abercorne to the prejudice of the Earl of Abercorne and other gentlemen around, of whome the complainer is one, who have the benefit of the said commonty, the complainer went to the said muir to understand the true state of the case, whereupon "the said David Dundas first disgracefullie upbraidit the compleaner, calling him false dyver theefe, speired at him how he durst come upon that feild and then ranne in upon him with ane drawin whinger of purpose to have slaine him therewith." When the complainer, for avoiding further danger, went to his horse with Mr. James Quhytheid, his nephew, Mungo Gilbert, servant to the said David, by his instructions followed him, and with a drawn sword "gave him ane cruell wound upon the head after he wes halfe ane myle aff the bounds foresaids, out of quhilk wound there wes bones takin be Johne Ker, chirurgiane; and the said David and his said servant with sevintene men in armes with drawin swords in thair hands so hardlie persewed the compleaner that he wes forced to quite his cloake and his nephew his hat, and so with difficultie to escape; and ever since they have sought for the compleaner with fourtie or fiftie men in armes at his hous of Duntarvie and other parts where he haunts of purpose to have slaine him." Charge having been given to the said David Dundas, and he and the pursuer both compearing, and the pursuer for probation referring the verity of

his complaint to the defender's oath, who denied, the Lords assoilzie the defender. Decreta, March 1631-April 1632. Fol. 348, b.

Counter-complaint by David Dundas against Francis Durham of Duntarvie and Mr. James Whitehead, younger of Kincavill Park, for assault.

Counter-complaint by the said David Dundas as follows:—Francis Durhame of Duntarvie and Mr. James Quhyteheid, younger of Kincavill Park, having causelessly conceaved a deadly hatred against him, without manifesting the same by word or writ to the complainer, resolved to take some "unhonest advantage of him" whenever occasion should offer. Accordingly on 9th March instant they came to the dwelling house of Bessie Gardner, tenant of Philip Quhytheid, which is in sight of the complainer's dwelling house, and lay concealed there for a good part of that day, with their spies abroad upon the fields. About five o'clock in the afternoon the complainer came forth "to oversee his husbandrie, having onelie his joope and gloves upon him and ane whinger," and their spies having advertised them thereof, they came to him, he being upon his own ground, within a pair of butts of his own house. As the said Francis had a blew bonnet on his head and his cloak cast about his mouth, the complainer did not recognise them until they were "hard upon him, and with the first salutatioun the said Francis upbraided the compleaner with disgracefull and reproachefull speeches and cruellie persewed him of his lyfe; and the said M^r James, secunding the said Francis, gave the compleaner ane great straike with the sword upon the head to the great effusioun of his blood, and the said Francis gave him another straike on the right hand to the amputatioun of the little finger thairof, and than thinking the compleaner had been assuredlie slaine, the one says to the other, 'Lett us goe, he hes gottin eneugh,' and so tooke thair hors and raid away." Pursuer and defenders both compearing, and probation being referred to the oaths of the defenders, Francis Durhame confessed that he invaded and hurt and wounded the pursuer, for which the Lords ordain him to be warded within the tolbooth of Edinburgh, there to remain upon his own expenses until they release him, "lykeas he wes delyvered to Androw Quhyte, keeper of the tolbuith of Edinburgh, to be convoyed be him to his said waird." Mr. James Quhytheid, denying upon oath the complaint against him, is assoilzied by the Lords. Fol. 349, a.

In the action and complaint by David Dundas, son of John Dundas of Newlistoun, against Francis Durhame of Duntarvie and Mr. James Quhyteheid, younger of Parke, "the said Francis being interrogat and demanded anent certane particulars concerning the said complaint he grantit and confest the having and shooting of ane pistolet at the said David Dundas at the tyme of the invasioun foresaid, quhairupon M^r David Heriot, advocat, as procurator for the said David Dundas, asked instruments."

Complaint by David Wood, tenant to William, Earl

Complaint by David Wod, tenant to William, Earl of Mortoun, and Thomas Feild, his servant, as follows:—On James Douglas in Lugtoun came to the complainer's lands there where his said servant

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was tilling, and without any offence offered to him he put violent hands on the poor man, "cruellie buffetted him on the head and face with his falded neiffes to the effusioun of his blood and gave him manie bauche and blae straikes with the pleuche graith in diverse parts of his bodie."

of Morton, against James Douglas in Lugton for assault.

Fol. 349, b.

Both parties compearing, and they and several witnesses having been heard, as nothing was proved by them against the defender, the Lords assoilzie the defender.

Complaint by the Earl of Linlithgow and John Erskine of Balgownie against James Wingate, a deprived messenger, for an illegal process against the said John Erskine.

Complaint by Alexander, Earl of Linlithgow, and John Areskine of Balgownie, as follows:—In September last when the said John was dwelling in the place of the Throsk he was sent for by the Earl of Mar, then resident in Alloway. From him he received a commission to go to the Earl of Linlithgow, who was then living in Airth, to intreat him to take some good course for settling the differences between the Laird of Buchannan and his lady. Accordingly on September he went to Airth and gave this message to the Earl of Linlithgow, and found with him the Laird of Buchannan accompanied by five or six horsemen and four or five footmen. As he was conferring with the Earl upon this matter one James Wingzets, a deprived messenger, charged the complainer, as sheriff depute of Stirline for the time, by virtue of letters of caption raised at the instance of Robert Wallace, Writer to the Signet, to apprehend the said Laird of Buchannan, and because he did not do so the party has raised an action against him before the Lords of Council and Session for payment of the sum contained in the said letters. The charge foresaid could not have been executed at the time and place mentioned seeing the complainer was there only in the capacity of a private man, having no person with him, and being without weapons, having only a horse wand in his hand, while the said Laird was accompanied by ten or twelve men on foot and horse. Besides, the place and town of Airth is not within the bounds of his office, but is a regality by itself in which the sheriff and his deputes have no jurisdiction; and he had no jail in these parts to which he could have committed the said Laird; nor had he any authority to crave the concurrence of the inhabitants there. The said deprived messenger has thus very far abused the place and charge he formerly had as messenger, and though he had been a lawful messenger he had no warrant to charge any magistrate to apprehend the said Laird while he was in the house and company of a nobleman, "who be the dignitie and priviledge of thair place ar free frome suche charges; at the least suche respect sould be caried unto thame as no suche charge sould be execute in anie of thair houses and in thair awne presence." Moreover, no charge of that kind could have been lawfully executed but only against the bailie of that regality. The said pretended messenger ought therefore "to be exemplarlie punished for this proud and malapert presumptioun in using of this unlawfull charge, to the terrour of others to committ the lyke heerafter." Charge having been given to the said James Wingzet and Robert Wallace, the pursuers compeared, and also

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the said Robert Wallace, who declared that he gave no warrant to the said messenger to execute the said letters, and neither knew of their being raised or their execution, but that his name was only borrowed to the bond upon which the letters were raised by William Cuninghame, tutor of . Cuninghame also being present and examined confessed that the moneys contained in the band were his, that he had only borrowed the name of Robert Wallace, and that he gave the letters to the officer for execution as he should find the occasion; but as the charge given to the said John Areskine of Balgownie was unlawfully given in the manner foresaid he passed judicially from the said charge and declared John Areskine free thereof and of all danger which might accrue therefrom, upon which the said John asked instruments. The said James Wingzet not compearing the Lords ordain him to be put to the horn and escheat. Decreta, March 1631-April 1632. Fol 350, b.

Continuance of protection to Sir David Livingston of Dunipace and others.

The Lords of Privy Council continue the protection granted to Sir David Livingstone of Donypace, John Livingstoun, his son, David Barclay of Maders, Mr. Alexander and William Livingstoun of Greenyairds, and Robert Livingstoun, merchant burgess of Edinburgh, their cautioners, for selling their lands in order to satisfy their creditors, until 8th June next.

Continuance of protection to Sir Hew Wallace of Craigie.

"The lyke warrand prorogat to Sir Hew Wallace of Cragy and certane his cautioners, in so farre as they ar cautioners for him, to the fyftene day of Junij nixtocome."

Anent a ship of Hamburg.

"Ane Act anent ane processe depending before the Admirall tuicheing ane ship of Hamburg called the Quhyte Swan." Sederunts, November 1629-January 1635. Fol. 79, a.

Anent the dispute between the Bishop of the Isles and M'Lean.

"The Lords ordains the Bishop of Dumblane, the Lord Tracquair and Advocat, judges arbitrators nominat and chosin be the Bishop of the Yles, and the Lord Lorne, Justice Clerk, and Sir Johne Scot, judges arbitrators nominat and chosin be McClaine, to meit in the Exchecker Hous at sevin of the clocke in the morning and to receave and consider the parteis clames and to travell betuix thame for sattling thair differences." Fol. 79, b.

[No record of Sederunt.]

Holyrood House, 2nd April 1632.

Supplication for protection by Ralph Ker of Redpath and Robert Ker, his son, for protection that they may come to Edinburgh on legal business.

Supplication of Ralph Ker of Ridpath and Robert Ker, his son, as follows:—"They ar fullie mynded now in this tyme of vacance when they may have opportunitie of lawyers in Edinburgh to make sale of certane thair lands for satisfactioun of thair creditours and ar come to this burgh for consulting anent the writs and securities to be drawn up betuix some gentlemen who ar under conditioun with thame heereanent," but being under some civil hornings they are afraid to come in public for prosecution of this business without their Lordships' protection, which accordingly they crave. The Lords ordain them to cause warn their creditors to appear before the Council on 13th April instant and meanwhile they grant protection until the 17th. Decreta, March 1631-April 1632. Fol. 351, a.

Decreta, March 1631-April 1632. Fol. 351, a.

Sederunt—Chancellor; Præses; Mairshell; Linlithgow; Tracquair; Advocat; Sir G. Elphinstoun. Holyrood House, 5th April 1632.

Supplication for protection by James Kennedy of Blairquhan and others that they may settle with their creditors.

Supplication by James Kennedie of Blairquhan, Josias Stewart of Ravinstoun and William Stewart of Dunduff, as follows:—The protection granted to them for settling with the Laird of Lee and James Fol. 351, b. Kennedie of Crugiltoun expires on 10th instant, and the matter is not yet settled. They are now in terms of agreement with John Inglis, merchant, and others of their creditors, and the writs and securities are in the hands of their writers and lawyers, whereby they hope to give them reasonable satisfaction, if their Lordships will extend their protection. The Lords grant them until 15th June next.

Royal Letters, 1623-33. Fol. 205, b. Fol. 206, a.

"Our verie honnorable good lord, We have exped the patent tuicheing the equalitie of customes and designed his Majestie therein Rex Scotiæ, Angliæ, etc., bot have forborne to send up the same unto your lordship be reasoun of a doubt conceaved heere that the English patent boore Rex Magnæ Brittanniæ; for cleering quhairof we have heirby thought good to intreate your lordship to certifie us backe with diligence how and in what termes the English patent is conceaved to the effect we may resolve what is fittest to be done therein; quhereanent expecting your lordships speedie advertisement, we committ your lordship to God, and rests, etc. Halyrudhous, 5 *Aprilis*, 1632. *Subscribitur*, Geo: Cancell., Stratherne, Marshall, Morrey, Linlithgow, Dumblane, Traquair, S. G. Elphinstoun." Holyrood House, 5th April 1632. Letter to the Secretary of the Council in London anent the designation of his Majesty in the patent for equalizing the customs.

Fol. 210, b.

"CHARLES R., Right, etc. Being informed of the care of our lait royall father in causing preserve the game of hunting within some distance of bounds of our Palace of Linlithgow, having to that effect givin charge to our trustie and weilbelovit Sir Johne Hamilton of Grange, knight, to see these bounds reserved for that use, and we being the rather willing that the like course be takin in regarde (as we ar informed) that the bounds so reserved ar verie proper for hunting and commodious for that purpose in respect of the neerenesse thairof to our cheefe housses, quhair we intend most ordinarilie to reside during our abode in that our kingdome, our pleasure is that yow informe your selffes of the warrand grantit to that effect by our said royall father unto the said Sir Johne and that in our name yow give unto him the like in all respects, for whiche these presents sall be your warrand. Givin at our Court at Whitehall, the fyft day of Aprile, 1632." Whitehall, 5th April 1632. Letter from his Majesty desiring that a warrant should be given to Sir John Hamilton of Grange for the preserving of game within the bounds of the Palace of Linlithgow.

Acta January 1631-May 1632. Fol. 120, b.

Sederunt—Chancellor; Præses; Privy Seal; Mairshell; Wintoun; Linlithgow; Perth; Wigtoun; Buccleuche; Lauderdaill; Lord Lorne; Bishop of the Yles; Tracquair; Advocat; Justice Clerk; Sir James Baillie. Edinburgh, 13th April 1632.

"Forsameekle as the Kings Majestie having determined to repaire to Meeting of

Parliament to be postponed till the 18th of June, 1633, owing to the King's visit having been delayed.

this his ancient kingdome this present sommer, whilk as his Majestie had of long tyme extremely desired, so his Majestie had at the said tyme most earnestlie resolved so to have done both for halding of his Parliament and receaving of his crowne; bot now in regarde of some lait considerationns speciallie concerning forrane effaires, the estait whairof is sufficientlie knowne to be verie considerable at this tyme, his Majesty is induced to continew his heere comming till the nixt yeere, at quhilk tyme, God willing, his Majestie will not faile to come, to the intent that at that tyme his Majestie may have some more tyme and leasure to attend his parliament in persoun and to receave his crowne for the peace and securitie of this his native and ancient kingdome, if his Majesteis effaires can convenientlie permitt; and for this effect his Majestie hes writtin his princelie directiouns to the Lords of his Majesteis Privie Counsell and to the Commissioners of his Parliament for prorogatioun of the same till the 18 day of Junij in the yeere 1633. And thairfoir the saids Lords of Privie Counsell, according to his Majesteis expresse command and directioun sent unto thame, ordains letters to be direct charging heralds, pursevants and messingers of armes, to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamatioun to make intimatioun to all his Majesteis lieges and subjects that the said Parliament is prorogat and continewed till the said 18 day of Junij in the said yeere of God, 1633; and to warne all prelats, noblemen, commissioners for the barouns or burrowes, and all others having place, vote or owing attendance in the said supreme court of Parliament to attend and await upon the same the day foirsaid with continuatioun of dayes, and to doe and performe all and sindrie things quhilks to thair places and offices apperteanes, with intimatioun as effeiris. Followes his Majesteis missive in the mater abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellers, we greit yow weill. Whereas we have writtin our princelie directiouns unto our Commissioners of Parliament to prorogat and continue the same unto the 13 of August nixtocome, whereby we may have some more tyme and leasure to be there in persoun at the said Parliament and to receave our crowne for the peace and securitie of that our native and ancient kingdome, if our effaires can convenientlie permitt, our pleasure therefore is and we doe heirby authorize, will and require yow, that after the said Parliament sall be prorogated and continued, as said is, yow caus intimat the said prorogatioun and continuatioun to all our good lieges within our said kingdome be opin proclamatioun at the mercat croce of Edinburgh and others places neidfull, and warne all prelats, noblemen, commissioners for barouns and burrowes and all others having place, vote or owing attendance on the said supreme court of Parliament to attend and

Acta January 1631-May 1632. Fol. 120, b.

Fol. 121, a.

Acta January 1631-May 1632. Fol. 121, a.

await upon the same the foresaid day with continuatioun of dayes, and to performe all and sindrie suche other things as to thair places and offices doe apperteane. And for doing the premisses these our letters sall be unto yow and everie of yow frome tyme to tyme ane sufficient warrand and discharge in that behalfe. We bid yow farewell. Frome our Court at Whitehall, the nynt day of Februarie, 1632."

Apud Halyrudhous, *eodem die, post meridiem. Sederunt ut ante meridiem.*

Act anent persons who have failed to give up a true inventory of their lent money in order to escape taxation.

" Forasmeekle as in the taxatiouns grantit in the moneth of August 1621 and in the moneth of October 1625 there is ane great nomber of persouns who have verie fraudfullie and undewtifullie concealed thair lent moneyes and not givin up ane trew and just inventar of the same, to the frustrating and disappointing his Majestie of ane great part of the twa taxatiouns foresaids, quhilks wer so freelie and voluntarilie offered be his Majesteis Estaits, and they thinke to carie thair concealements so closelie and covertlie as notice sall never be gottin of the same: And

Fol. 121, b.

whereas one of the readiest meanes to discover thir concealements is by the registers of the Lords of Sessioun and of the shireffs, stewarts, bailleis of regaliteis and burrowes, and the registers of seasings, reversiouns and others, wherein the bands of lent moneyes betuix parteis ar insert and registrat; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the ordinarie clerkes of Counsell and Sessioun, togidder with all shireff clerkes, stewart clerkes, baillie clerkes, clerkes of regaliteis and commissar clerkes within this kingdome, and the clerkes of the registers of hornings, and the keepers of the Clerk of Register his registers of seasings, reversiouns and renunciatiouns of infeftments, that the saids ordinarie clerks of Counsell and Sessioun, shireffs, stewarts, bailleis of regaliteis, bailleis of baillereis, burrow and commissar clerkes, everie ane of thame within thair awin offices, delyver to the clerk of his Majesteis taxatiouns ane extract or note, authenticklie subscryved with thair hands, of all bands, contracts, obligatiouns and others securiteis registrat in thair bookes for anie moneyes borrowed and lent betuix partie and partie at anie tyme fra the first day of November the yeere of God 1619 yeeres to the day and dait heirof; quhilk note or extract sall conteane the dait of the securitie, the day of the registratioun thairof, the soume borrowed and the day appointed for repayment thairof, whether the same be for infeftment of annuelrent out of lands or otherwayes, the parteis names, lenners and borrowers of the moneyes, and that the keepers of the registers of hornings, everie ane of thame within thair awin offices, give the lyke extracts of thair hornings; and that the keeper of the Clerk of Register his registers of seasings, reversiouns and renunciatiouns of infeftments and others writts mentiouned in the Act of Parliament to this effect delyver

the lyke extract or note authenticklie subscryved with thair hands conteaning the dait of the seasing and of the registratioun thairof, the parties names, wodsetter and buyer, the names of the lands wodsett and the soume whairupon the same is redeemable, and at what terme the samine wer wodsett and at what terme redeemed agane, and the renunciatioun made, and that within twentie dayes nixt after they be charged thereto, under the pane of rebellioun, etc., with certificatioun, etc.; with certificatioun lykewayes to thame that incaise they omitt anie bands, contracts, obligatiouns or seasings, reversiouns and renunciatiouns of infeftments ungivin up and insert in the said extract and note subscrivit with their hands, quhilks ar insert and registrat in thair bookes, the same omissioun being tryed, they sall be otherwayes tryed at the discretioun of the Lords of Privie Counsell." Acta January 1631-May 1632. Fol. 121, b.

Holyrood House, 13th April 1632.

[Sederunt as recorded above, with the addition of the Clerk Register.] Decreta, March 1631-April 1632. Fol. 351, b.

Complaint by James Lumsden of the Templeland in Mordington-head, his mother and brother, against Sir James Douglas of Mordington for carrying prohibited weapons, for assault, and for injury done to the complainers' lands and goods.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, and James Lumisden, heritable proprietor of the Templeland in Mordingtounheid, Elspet Ramsay, his mother, liferenter thereof, and John Lumsden, his brother, as follows:—Notwithstanding the frequent prohibition of the bearing of hagbuts and pistols, on September 1628 Sir James Douglas of Mordingtoun, accompanied by John Toshe, Patrick Torrie, William Andersoun, John Simsoun, Archibald Wilsoun, Arthur Wedderlie, Robert Speir, John and Adam Turnbull, sons of Adam Turnbull in Lintles, Peter Turnbull in Cuikisfeild, Alexander Lawder, John Gordoun, and Alexander Torrie in Mordingtoun, Fol. 352, a. and Carlill, servitor to the said Sir James, with others of the lieges to the number of , armed with swords, staves, hagbuts and pistols, and other weapons, came to the complainers' lands of Mordingtoun where they "wer winning and shealing thair cornes, threatned and minassed thame of thair lyfes, and the said Sir James himselfe persewed the said Johne Lumisden with ane hacquebut from Mordingtoun to Petigarloch, within the bounds of Bervick, where he crullie hurt and woundit the poore man and had not failed to have slaine him if he had not beene rescued frome his hands. And immediatelie thereafter the said Sir James returned backe and with ane great battoun strake the said Elspitt Ramsay, ane aged woman of fourscore yeeres, in diverse parts of her bodie, to the effusion of her blood in great quantitie, and brake twa sinewes in her right hand." Again, in March 1629, the said Sir James, accompanied as above, came to the foresaid lands and cruelly and unmercifully assailed the complainers, "brake the said Johne Lumisdens shoulder blade in twa, hurt, birsed and bruised Margaret Craw, spous to the said James, she being great with childe, quhairof she parted to the hazard of her life, and woundit the said Elspitt Ramsay at that tyme lyke-

Decreta, March 1631-April 1632. Fol. 352, a.

wayes to the effusion of her blood." Then, shortly afterwards, Sir James, accompanied as above, came to the complainers' said lands after they had sowed them with their own corns, and unlawfully tilled the same and possessed himself thereof, and in the following harvest, "shoore, intro-

Fol. 352, b.

metted with and caried away the haill cornes" thereupon, the said James being at the time in his Majesty's service at the Rotchell, in consequence of which his brother and mother and their poore families were forced to beg. Ever since then Sir James has pastured sixty nolt, sixteen horses, and eighty sheep upon the complainers' lands. Further, in April 1631, Sir James, accompanied as above, came to the said lands, "violently demolished thair dwelling houses being upon the same, kuist forth thair goods and geir being therein; and when as the said James Lumisden had begged ane little hutt for himself, his mother and childrene to keepe thame frome stormes of weather, the said Sir James and his complices rugged the hous doun to the ground and had almost smored thame and three young children." Now, lately, in February, Sir James and his accomplices came and took the march stones out of the complainers' lands and carried them to Mordingtoun, where he is to build a house. Moreover, at their Lordships' direction in last the complainer renounced to the said Sir James the two merk land which lies runrig with the lands of Templeland and Butterdene, but Sir James, not content therewith, came on accompanied by Cockeburne, sheriff depute of Berwick, and took possession not only of the renounced lands but also of the complainers' other three lands, violently intruding himself therein when he could not get access by law. The complainer has accordingly been reduced to extreme misery and beggary, and, in addition, Sir James has precluded the defender from taking legal redress by putting him to the horn. All this course of conduct being expressly against "his Majesteis lawes and Acts of Parliament, to the undoing of the compleaners, simple poore creatures, his Majestie has willed the Lords of Privie Counsell to take speciall notice and tryell [thereof] and accordinglie to censure and punish the delinquents." Charge having been given to the said Sir James Dowglas, Alexander Lawder, John Gordoun, James Carlill, Patrick Torrie, Archibald Wilsoun, Antoun Wedderlie, Robert

Fol. 353, a.

Speir, William Andersoun, Alexander Torrie, and John and Peter Turnbull, and the pursuers appearing personally, and of the defenders, Sir James Dowglas for himself and Alexander Lawder, his servant, also Patrick and Alexander Torrie and John and Peter Turnbull, and parties and witnesses having been heard, the Lords assoilzie Sir James from the first, second, third, and fourth articles of the above complaint, of which the first and second were referred to his oath of verity and he thereupon sware negative, and the third and fourth to the evidence of witnesses who failed to substantiate them. Further, the Lords remit all

Fol. 353, b.

points to the decision of the Lords of Counsell and Session; and because the complainer, James Lumisden, has very maliciously calumniated the

said Sir James to his Majesty, "and hes fasched his Majestie without compleaning to his Majesteis Counsell and craving of justice aganis the said Sir James before thame, thairfoir and to the intent others may be affrayed to importune and fasche his Majestie heerafter with suche false reports and calumneis without first compleaning to his Majesteis Counsell, the said Lords ordains the said James to be committed to waird within the tolbuith of the Cannogait, therein to remain upon his awne expenses ay and quhill he be fred and releeved be the saids Lords." Decreta, March 1631-April 1632. Fol. 353, b.

Complaint by Robert Preston of Craigmillar against John Vernour of Auchendinnie for convocation of the lieges, carrying of prohibited weapons, and violently taking possession of lands belonging to the complainer.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Robert Prestoun of Craigmiller, as follows:—The bearing of unlawful weapons and convocation of the lieges in arms has been often prohibited. Now the said Lord of Craigmiller, having obtained a decreet of removal from the Lords of Counsell and Session against John Vernour of Achindynnie for removal from his lands of Nether Achindynnie, which are a part of the complainer's barony of Prestoun and Gourtoun, enforced the same by letters of horning, of which Vernour purchased a suspension, and this being discussed, the complainer's horning was found orderly and ordained to be executed. Letters of ejection were accordingly raised and charge given to the Laird of Corstorphine, as sheriff-principal of Edinburgh, to enforce the same and place the complainer in possession of his said lands. This the said Sheriff did upon 20th March last, as an instrument taken thereupon bears. The complainer then learned that Vernour was meditating some violent revenge and so put him to lawburrows, hoping thus to prevent his lawless designs and secure himself. But upon 6th April instant Vernour assembled together some twenty-four persons, armed with swords, steelbonnets, hagbuts, pistols and other weapons, among them being George Vernour, apparent of Achindynnie, James Vernour, his brother, William Scot in Lowstoun, John Purdie in Auchindynnie, Gilbert Pennycuik there, Patrick Broun in Grayknow, and James Thomson there, and came with them to the said lands, "entered plewes upon the same and sew and harrowed a pairt thairof." The complainer, getting notice of this, endeavoured in a legal way to make interruption to their proceedings by sending some of his servants in peaceable manner to do so, when the said John Vernour and his associates "boasted and minassed" them, and attacked several of them, viz., "Johne Thomesoun who wes sawing, dang him to the ground, and gave him manie blae straikes, reft the scheit frome his neck, and rave the same, violentlie continewed in the teilling, harrowing and sawing of the saids lands," and would have killed some of the servants if the minister of the parish had not come and stopped them. Charge having been given to the persons named, and the pursuers appearing but the defenders not, the Lords ordain them to be put to the horn and escheat. Fol. 354, a. Fol. 354, b.

Decreta, March 1631-April 1632. Fol. 354, b.

Complaint by Janet Love, wife of James Galbraith in Grenock, and the said James for his interest, as follows:—A person lately burned for witchcraft "under the vehemencie of the tortour for her ease and releeffe, delated the said Jonnet and diverse others honest and famous persouns as guiltie of that cryme," and Mr. William Cochrane, sheriff-depute of Renfrew, merely upon this deposition, apprehended her and kept her prisoner with himself for a time, and then "sent her to Mr Johne Hamiltoun, minister at Innerkip, who instead of powerfull exhortatiouns, prayers, and other meanes of that kynde dew to be performed be persouns of his calling, cruellie caused tortour the complainer with bow strings, stob her with preins, lay her in the stockes, call wedges on her schinnes and otherwayes most miserablie intreate her, thinking thereby to extort frome her by tortour that quhairof she is most innocent." To prove her innocency she is most willing to stand her trial before his Majesty's Justice and his deputes, the said sheriff-depute being altogether a partial judge to her in this matter. Parties being called and the pursuer compearing by William Playfair, her procurator, and Mr. William Cochrane appearing for himself and the said Mr. John Hamilton, and having been heard, the Lords continue the case till 5th June next, and ordain the said sheriff-depute to put the pursuer to liberty, as Robert Sempill of Noblestoun has become cautioner for her in 500 merks that she will appear before their Lordships on the said day and insist in this complaint.

Fol. 355, a.

Complaint by Janet Love, wife of James Galbraith, against the Sheriff-depute of Renfrew and the minister of Inverkip, the first of whom she accuses of illegally warding her on a charge of witchcraft, and the second of putting her to the torture.

Fol. 355, b.

Complaint by Helen Widdrow, widow of John Henderson in Barphillan, as follows:—About seven weeks ago Mr. William Cochrane, sheriff-depute of Renfrew, came under cloud and silence of night to her house in Barphillan, and entering therein put violent hands upon her, "medled with the keyes of her kists," and carried her as a prisoner to the house of Robert Sempill of Noblestoun, where she has since been kept captive, she being his Majesty's free liege and no charge being preferred against her. Charge having been given to the said sheriff-depute and Robert Sempill, and they compearing and producing the complainer in terms of their charge, the said Robert Sempill protested that he had satisfied the obligations of his bond of cautionry in producing the complainer, which the Lords admitted. Parties having been heard, the Lords ordain the said Robert Sempill to carry the pursuer back to Glasgow and deliver her to James, Archbishop of Glasgow, whom they request and desire to examine her, peruse the depositions and charges that shall be given in against her, and report his opinion upon them and their relevancy on the first Council day of June next. And the Lords take Robert Sempill bound under a penalty of 500 merks to convey the said Helen Widdrow to the said Archbishop, and to produce her before the Lords on six days' warning.

Fol. 356, a.

Complaint by Helen Widdrow, widow of John Henderson in Barfillan, against Mr. William Cochrane, Sheriff-depute of Renfrew, for illegally invading her house and placing her in ward.

Supplication by John Ahanna of Sorbie, as follows:—The Commissioners for the Surrenders and Teinds have assigned to him a certain day in June to report the valuations of the presbytery of Wigtoun, of which

Supplication for protection by John Ahanna of

Sorbie in connection with his duty as convener of the Presbytery of Wigton for the Surrenders and Teinds.

he is convener, but he dare not attend that service, on account of some civil hornings under which he lies, without a protection from their Lordships. The Lords grant him till 7th June next, with this declaration that if report be not made of the valuations foresaid by that day no continuation of his protection will be granted.

Decreta, March 1631 April 1632. Fol. 356, a.

Supplication for protection by Patrick Fleming in Carbraine and others.

Supplication by Patrick Fleeming in Carbraine, Patrick Fleeming in Balloch, Malcolm Fleeming in Cardrone, William Fleeming in Persieland, and John Fleeming, bailie of Biggar, as follows:—They are heavily distressed as cautioners for John Fleeming of Carwod by his creditors who, though they have received (after submission to the Lords of Session), a disposition from the said John of his whole estate and living for payment of his debts, yet very rigorously press the supplicants by captions and otherwise, in consequence of which they are not only personally injured, but the affairs of their master, the Earl of Wigtoun, are like to miscarry, as all of them are either domestics, bailies or chamberlains to him. They therefore crave their Lordships' protection for a time. The Lords grant them this till Lambmesse next, but only against any of the Laird of Carwod's debts.

Fol. 356, b.

This day Michael Scot in Leslie, Marion Scot in Plesance, and John Turnebull, her husband, compeared before the Lords and gave in the copy of letters which had been raised against them at the instance of John Aitkine, younger of Rescobie, charging them with forgery of a summons under his Majesty's signet, by which he had been charged at their instance and at the instance of his Majesty's Advocate for breaking an arrestment and the taking of 100 merks of composition from him to pass from the complaint, and they protested that as the said John Aitkine had not compeared to insist, and as they were present and ready to answer, nothing should proceed in that cause until they had been summoned of new, and their expenses paid; which protestation the Lords allow.

Complaint by the musicians of his Majesty's Chapel Royal against Edward Kellie, one of their number, whom they accuse of illegally appropriating the rents of the said chapel.

Complaint by the musicians of his Majesty's Chapel Royal, as follows:—Edward Kellie, one of their number, has privily stolen a signature through the privy seal, dated at Whitehall, 28th November, 1629, without the consent of the dean and chapter, whereby he takes power to uplift the chapel rents, ordinary and extraordinary, although the complainers are provided thereto by gifts under the privy seal, and have been for many years past in possession of the same. He intends to serve inhibitions and arrestments upon the complainers' duties, lift them from his Majesty's Exchecker and dispone upon them at pleasure "to the ranversing of the ancient foundatioun of the said chappell and the compleaners great hurt and prejudice." Charge having been given to the said Edward Kellie, who compeared, and the complainers appearing by Andrew Sinclare and Alexander Hay, one of the musicians, the Lords, after hearing parties, "discharges the said defender of all raising of anie

Fol. 357, a.

Decreta, March 1631-April 1632. Fol. 357, a.

letters of inhibitioun aganis the said persewers be vertew of his said gift, or making of anie interruptioun to anie of the musicians in what they presentlie possesse till he be allowed be the Counsell."

Royal Letters, 1623-33. Fol. 206, a.

Most sacred Soverane, Having receaved order frome your Majestie for payment making to the Erle of Linlithgow of what sould be found dew to him as Admirall out of these moneys that arose by the sale and pryce of the goods being within the Lubick ship and quhereof ane great part wes applyed towards the payment of certane mariners who before that tyme wer imployed in your Majesteis service heere, in obedience to your Majesteis royall command and directioun we caused produce before us the acts, als weill of Counsell as Excheker, made in that bussines and after consideratioun thereof we find by a fitted compt that the whole moneyes arising by the sale of these goods whiche com to your Majesteis use extends to the soume of ten thowsand ane hundreth 22li. 5s. 4d. and no farther; and albeit the said Erle of Linlithgow hes offered to qualifie to us that ane great part of the saids goods wer spoyled with salt water and made unprofitable both to your Majestie and to him and that the rest of the goods wer sauld at suche chape pryces and rates as will no wayes answer in proportioun to his payment of that quhilk by course of law he may lawfullie clame, besides the annuelrent of the saids moneyes which he alledges to be dew to him, yitt we have absteanned to meddle with anie farther tryell therein saiff to consider of the right quhilk the said Erle hes of the same, whiche we finde cleere by ane decreit and sentence givin in the Court of Admiralitie quhairby the foresaid shippe and goods wer adjudged to the takers as lawfull pryze and be ane assignatioun made be the takers of all right whiche they may pretend to the said ship and goods. And tuicheing the annuelrent foresaid and losses otherwayes susteanned be the said Erle we humbelie recommend the same and the meanes of his satisfactioun to your Majesteis royall consideratioun, and so, etc. Halyrudhous, 13 Aprilis, 1632. *Subscribitur*, Dupline, Stratherne, Hadintoun, Marshall, Wintoun, Lorne, Hamiltoun, S. Thomas Hop, S. G. Elphinstoun.

Holyrood House, 13th April 1632. Letter of Council to his Majesty anent the payment of certain sums due to the Earl of Linlithgow, Lord High Admiral.

Acta January 1631-May 1632. Fol. 122, a.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Wigtoun; Bugcleuche; Lauderdaill; Tracquair; Clerk Register; Advocate.

Holyrood House, 14th April 1632.

"The Lords of Secreit Counsell continewes the booking and extracting of the first interloquutour tuicheing the Erles of Roxburgh and Bugcleuche thair declaratioun to relinquishe and quytclame all right that they may have or clame by the forefaltour of the lait Erle of Bothuell to suche lands as they contend to bruike be another right, and thairfoir aucht not to be valued till the parteis whome it concernes be more fullie heard; and ordains the second interloquutour to be booked and extracts givin thairof to the parteis, of the quhilk the tennour followes:—

Act anent the interlocutor concerning the rentals of the Earl of Bothwell's estate.

Apud Halyrudhous 23 *Martij* 1632.

Acta January 1631-May 1632. Fol. 122, a.

The Lords of Secreit Counsell assignes to Robert, Erle of Roxburgh, and Walter, Erle of Bugcleuche, on the one part, and Francis Steuart, sonne to the lait Erle Bothuell, on the other part, the eight day of Junij nixtocome for summounding of witnesses to prove the worth and rentall of the lands and teinds brooked be the saids Erles in the right of the forefaltour of the said lait Erle of Bothuell in maner following, to witt, What they payed of before to the Abbots of Kelso and Erles of Bothuell; What they have paid since and presentlie payes to the Erles of Roxburgh and Bugcleuche; and What the saids lands and teinds ar worth; of the assignatioun of the whilk dyet both the saids parteis being personallie present ar warned *apud acta*. And the saids Lords with consent of parteis declares that if after the said eight day of Junij another terme sall be allowed for further diligence the same sall proceid and receave executioun upon ten dayes warning. In obedience whairof the saids parteis being personallie present they nominat the persouns underwrittin, to whome in caise of thair absence furth of the countrie the copie of the charges to be execute aganis thame sould be delyvered, viz., the Earl of Roxburgh nominat John Learmonth, the Erle of Buccleuche, Laurence Scot, and Francis Stuart, M^r^ Robert Craig."

Charge to certain persons to appear before the Council as witnesses anent the rentals of the Abbacy of Kelso.

"Forsameekle as the Lords of Secreit Counsell by ane act and ordinance of the 23 of Marche last hes assigned to Robert, Erle of Roxburgh, and Walter, Erle of Buccleuche, on the ane part, and to Francis Steuart, eldest lawfull sonne to Francis, sometyme Erle of Bothuell, on the other part, the eight day of Junij nixtocome for proving *hinc inde* the worth and rentall of the lands and teinds underwrittin whiche ar possest be the saids Erles of Roxburgh and Buccleuche be vertew and in the right of the said lait Erle of Bothuell his forefaltour, to witt—the lordship of Liddisdaill conteaning the lands following, viz., the lands of Bilhope and Makpatrikhope possest be the Erle of Buccleuche; Dinlay, possest be George Scot; and the nixt stead, Armetage, possest be William Ellot; Overraw, possest be Archibald Elliot; Foulschellis, possest be the Bishop of Caithnes; Reidheuche, possest be Thomas Armestrang; Rouraltonholme and Aldscheillis, possest be Johne Scot; Willock, possest be Alexander Armestrang; Blaikburne, possest be Walter Gledstanis; Parke callit Copshaholme, possest be James Scot; Fissillheill, Stannygill, Tynneisburnheid, Foulwodles, Guylefoot and Chrystishill, possest be the Shireff of Tiviotdaill; Whisgills, Over and Neather, and Ridmos, possest be Thomas Wilsoun; Porterleyne Greina, possest be Archibald Douglas; Flatt and Schortbus, possest be Francis Robesone; Mangertoun, possest be the Erle of Buccleuche; Greenesse, possest be Jock and Niniane Armestrangs: Zairdhous, possest be Archie Tailyeour; Westerburnflat, Belsches and Whithauche, possest be Lancie Armestrang; Fol. 122, b.

Acta January 1631-May 1632. Fol. 122, b. Byreholme, possest be M^r^ Walter Scot; Neather Harden, possest be Sandie Armestrang and Will in the Mylne; Helene of Tweidmes lands, Clintwod, possest be James Ellot; Dinlabyre and his lands, Lareistoun, Howdoun, and Sheipshelden, possest be Robert Pringill; Burnmouth, Overheuchehous, Neather Hietreis Dyke, Kilfurde and Byresteids, possest be Gawin Elliot; Steid forenent the Hirdhous, Hundhous, possest be the Erle of Buccleuche; Wheilkirk, Helcadrounburne, Singdoun, Cleifhop and Abbotshaw, Dastounburne, possest be the said Erle; Hoillis in the gait with the pertinents perteaning to Robert Ellot of Dinlabyre; the Hill, Streuchehill *alias* Stitchelhill, Laidhop and Quhithop, possest be Gilbert Ellot of Stobs; Ruchlie, possest be the said Erle; Flocksteid *alias* Flasket, possest be Johne Scot, bailie in Liddisdaill; Over and Neather Closse *alias* Welshaw, sett to Johne Scott and Gawin Ellot; Mylneholmes and Eddiltoun, possest be David Goudie and James Mitchelsone; Tweisliehope, possest be the said Erle; Catlie, Dynla, Over and Neather Tynneisburne and Civishill, Stanygill, Fawhead *alias* Foulwod, Wilwigholms steid, Megie Twedmes and Wheisigills, Ratounholme, Copshaholme, Guyldfoot and Crystishill, Pollok and Kirkhill, possest be Thomas Ker of Ancrum; Eddiltounside and the pertinents, Porterlampet, possest be Sandie Armestrang; Noltlares, Hietreip, Burnmouth, Dastonburne, Prickinhauche, possest be Hab Hendersone; Todcleuche *alias* Todcleucheside and the
Fol. 123, a. pertinents, Fairside, Tailside, Cleucheside otherwayes designed Falset, possest be Hab Hendersone, Lehauche, Pocohoparke, Wheithauche, possest be Will Armestrang; Twa steids Over and Neather, with the pertinents thairof called Roksteid, Neirland and Podotoun, possest be Francis Beatie; Baggat, possest be Hab Elliot; the Southside of Tarris, the lands of Chamberlane Newtoun, the lands of Wester Crichtoun, Castelmaynes and Blakcastell, possest be Adame Wauchop of Caikmure, the lands of Laidhope, Lauchquherret and Hagbrae, the maynes of the provest place of Crichtoun and teinds of the parish of Crichtoun, the silver dewtie of the lordship of Hales, the kaine foullis of Trapren, and foure husband lands alledged possest be the Bishop of Dumblane and M^r^ Francis Collace; the teinds of Markill; the lands of Maynshill and Standingstane.

The lordship of Kelso perteaning to the Erle of Roxburgh, conteaning the lands and teinds following, viz.—the hundreth merkland of Kelso, the teinds of Kelso toun, the coathouses and tenements of the toun of Kelso, the teinds of Broomlands, the mylnes of Kelso, the few dewteis, the great and small customes of Kelso, the easter and mid toun of Sproustoun, the teind of Sproustoun, the fishing and ferrie cobill, the mylne of Sproustoun, the lands of Reddin, the teinds of Haddin, the teinds of Maxuelheuche, Brigend Maynes, Wodin and Howdin, the Erle of Roxburghs part of the Kirk of Nenthorne, the teinds of the toun of Bowden, the mylne of Bouden, the toun of Midlem, the mylne and mylne lands of Midlem, the kirks of Kelso, Maxwell and S^t^ James united, the kirk of Sproustoun, the kirk of M^c^Kairstoun,

the ten lands of McKairstoun, the kirks of Mow, Bowden, Lyndene, Nenthorne, Langtoun and Symprene, Hornden, Selkirk, Innerlethein, Hopcailyie, Symontoun, Caldercleir, Humbie, Lyntoun, Dunsyre, Dumfreis, Trailflat, Dungrie, Mortoun, Closburne, Carlouke, Wolstoun, Robertoun, Kilmares, Duddingstoun, and Peterculter; and that in maner following, viz.—What they payed of before to the Abbots of Kelso and Erles of Bothuell; What they have payed since and presentlie payes to the Erles of Roxburgh and Buccleuche; and What the saids lands and teinds ar worth: Thairfoir ordains letters to be direct for summounding of witnesses at the instance of the parteis respective abonenamed to compeir before the saids Lords upon the said aucht day of Junij nixt to depone what they know or sall be speirit at thame tuicheing the worth and rentall of the lands and teinds abonewrittin under the pane of rebellioun, etc., with certificatioun, etc.; As alsua charging all and sindrie persons in whois hands anie tacks, writts or evidents quhatsomever, quhilks may concerne the cleering of the worth and rentall of the lands and teinds abonewrittin ar, to compeir, bring and produce the same before the saids Lords the day foresaid, under the pane of rebellioun, etc., with certificatioun, etc." Acta January 1631-May 1632. Fol. 123, a.

Declaration anent Francis Stewart's claim to the spiritualities of the Abbacy of Kelso.

"The whilk day the Lords of Secreit Counsell having heard the petitioun givin in unto thame be Francis Steuart, sonne to the lait Erle of Bothuell, by the whiche he craved the patronages of certane kirks of the erledome of Bothuell, whairof the Erles of Roxburgh and Buccleuche respective ar patrons, to be valued with the temporalitie of the said lait Erle of Bothuell his estait, with the answers made thereto be the saids Erles of Roxburgh and Buccleuche, and having lykewayes heard and considderit his Majesteis letter direct unto thame in this mater, whiche is the rule and warrand of thair proceedings, and being weill advised therewith and with all that wes propouned and alledged be either of the saids parteis in this bussines, the saids Lords finds by interloquutour that under the tryell of the worth and rentall of the lait Erle of Bothuel his estait, there fallis nothing to be valued in the spiritualitie thairof bot the teinds of suche churches allanerlie as formerlie belonged to the lait Erle of Bothuell, and ar now possest be the Erles of Roxburgh and Bugcleuche in the right of the forefaltour, and whairof ather the teinds thameselffes or a rent for the same ar payed to the saids Erles; and finds that the right of patronage cannot be valued in regarde there is no rent payed to the saids Erles for the same." Fol. 123, b.

Letter from his Majesty desiring that the trial of Alaster Grant be postponed till the the 1st of August next.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being presented to the saids Lords and read in thair audience, conteaning his Majesteis will and pleasure for continewing Alaster Grants dyet, the saids Lords ordains the same letter to be insert and registrat in the bookes of Privie Counsell, and the partie to be warned to heare the desire thairof obeyed, of the quhilk letter the tennour followes:—CHARLES R. Right trustie

Acta January 1631-May 1632. Fol. 123, b.

and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. Whereas upon good considerationns mentiouned in our letter unto yow tuicheing Alaster Grant, we wer pleased that his tryell sould be continued till the tenth day of Aprile ensewing, the lyke reasouns moving us that a longer tyme be grantit, our pleasure is that his tryell be continued till the first day of August nixt ensewing, before whiche tyme we will expect that further light sall be givin in that bussines, and in the meane tyme that yow give order for composing of the differences amongst the name of Grant, taking suche suretie as is requisite of anie persoun whom yow thinke may disturbe our peace in these parts; whiche recommending to your care we bid yow farewell. Frome Whitehall, the 18 of Marche, 1632."

Decreta, March 1631-April 1632. Fol. 357, a. Fol. 357, b.

[Sederunt as recorded above.]

Holyrood House, 14th April 1632.

Supplication by Edward Kellie anent certain complaints that had been made against him touching his discharge of his duties in the Chapel Royal of Holyrood.

Supplication by Edward Kellie, as follows:—There was a precept by the Bishop of Dunkeld, Dean of his Majesty's Chapel Royal, dated 7th March, 1627, for deprivation of the prebendaries, on which account and in order that none but qualified persons should have place in the chapel, his Majesty wrote to the said Bishop that his object was to remove the "insufficient" and replace them with "sufficient" persons. At this time Robert Winrame and William Scot were "deprived from the place of chantour and the supplicant be tryell wes admitted to the same," and has the gift thereof from his Majesty, dated 17th March, 1628. Further, on 18th February, 1629, he obtained from his Majesty, with consent of the Lords of Exchecker, a signature for augmenting the rents of the chapel out of his Majesty's Exchecker "till the foundatioun thairof was established, three thowsand merkes per annum," and he has also "ane power past the privie seale with consent of the said Bishop for uplifting and ingaddering all the fees, dewteis and casualiteis perteaning to the said chappell, as alsua to receave the foresaid interim of three thowsand merkes, and to establishe suche order therein with his consent as nane sould serve bot qualified persouns, and suche being established in place, to avoide contentioun sould be made alike in fee, nane to have more than another, bot that these who have most of the rents and benefices sould have lesse of the interim, and that these who have least of the rents and benefices sould have most thairof." The signature was passed on 28th November, 1629, and afterwards he received Articles written and subscribed by the said Bishop on 10th April, 1630, ordaining him "to take band of musicians to attend the said service," which he accordingly did on 22nd April, 1630, in which the order of the said chapel is subscribed by them. These and many other things the supplicant has done towards establishing order and competent musicians, also providing music for them, and he desires their Lordships to examine his

signature in which "they will find the ratifeing of his former powers to be the farthest of his presumptioun," and that he infringes no man's rights, save that persons who are incompetent may be deprived, and those who are admitted shall be tried and examined first as to their competency, and not come in as formerly by paying certain sums of money. He is bound to his Majesty for the performance of his duty, and craves that he may have the benefit of his Majesty's letter and commands. As at Court M^r George Fletcher and James Philpe were appointed to compare his former warrant with his present signature before his Majesty granted it, so he craves that their Lordships would appoint some to re-examine and compare it with his former gift and powers, and also that they may examine his accounts and discharges, and so provide that the musicians may not suffer for what the supplicant has received, which is only what was justly due to him. The Lords appoint John, Lord Stewart of Tracquair, Deputy Treasurer, Sir John Hamiltoun of Magdalens, Clerk of Register, and Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, to peruse and consider the said signature and report thereon to their Lordships on the first Council day of July next, ordaining that the same be open for inspection by all parties concerned so that they may lodge their objections on that day; and they take the said Edward Kellie bound upon his faith and credit to appear that day, and that meanwhile he will not meddle in any matter concerning the Chapel Royal, nor make any remonstrance nor report to his Majesty as to the behaviour of any Councillor in the matter of the said signature.

Decreta, March 1631-April 1632. Fol. 358, a.

Fol. 358, b.

Protection to Cuthbert White.

Charge having been given to Andrew Quhyte, James Allane, James Weir, elder, Thomas Patersoun, Thomas Armestrang, Alexander Bryssoun, Robert Lawrie, and Patrick Halyburtoun, creditors of Cuthbert M^cKean, tailor, burgess of Edinburgh, to compear before their Lordships and see a protection granted to the said Cuthbert, and they being called and Andrew Quhyte alone appearing, who consented to the protection being given, and the said Cuthbert M^cKean also being personally present, the Lords grant him their protection till the first Council day of November next.

Protection to James Crawford, goldsmith.

Fol. 359, a.

Charge having been given to Robert Persoun, flesher in the Cannogait, and James Persoun, his son, to appear and see a protection granted to James Crawfurd, goldsmith, and both parties compearing and having been heard, the Lords grant their protection to the said James Crawfurd till the first Council day of July, but they declare that they will grant no further prorogation of this warrant to the said James.

Complaint by John Peter, Writer to the Signet, against Mr. James Lyon, minister at Inchbryack, who employed

Fol. 359, b.

Complaint by John Peter, Writer to the Signet, as follows:—In March last Mr. James Lyoun, minister at Inchebryack, agreed with the complainer "to forme, writt and guild to him ane testimoniall under the great seale of the lawfull birth of Captane James Murrey, now serving under the King of Pole, with the testificat of the same fra certane of his

Decreta, March 1631-April 1632. Fol. 359, b.

speciall and narrest freinds for obteaning ane warrand for appending the said great seale there; and having delyvered to the compleaner twa dollours in arles thairof, promising to pay the rest how soone the testimoniall sould be perfyted and endit be the compleaner; conforme quhairunto the compleaner wrote and formed the said testimoniall and testificat and delyvered the same to the said Mr James who tooke the testificat over the water and caused the Captans freinds subscryve the same and send it backe to the compleaner againe for outredding the testimoniall; who accordinglie drew up ane supplicatioun and gave in the same with the testificat to the Lords of Privie Counsell for ane warrand to append the great seale to the testimoniall; quhilk being past in the moneth of Marche last, Androw Sinclare, musician, come in the compleaners name to Mr Gilbert Prymrois, Clerk to his Majesteis Privie Counsell, and receaved backe the warrand with the testificat produced be the compleaner, quhilk he yitt keepes and deteanes frome him, and thairupoun hes caused another writt the said testimoniall, the compleaner having long agoe conforme to the agreement foresaid writtin and guilted the same and presented it to Sir Johne Scot, Directour of his Majesteis Chancellarie, to have beene exped be him; bot the said Androw Sinclare having the testificat of the freinds and warrand of the Counsell in his keeping intends to procure the seale to the testimoniall quhilk he hes caused ane Inglishman write to the discredite of the natioun and the compleaners hurt and prejudice." Charge having been given to the said Andrew Sinclare to compear and deliver up the warrant to the complainer and to see the testimonial written by the said Englishman cancelled and destroyed, and he and the pursuer both appearing, the Lords, after hearing and advising, ordain the testimonial written by the said John Peter to pass and the great seal to be appended thereto and to no other.

the complainer to provide a certificate of the lawful birth of Captain James Murray, and thereafter broke the agreement.

Fol. 360, a.

Supplication by Helen Hamiltoun, widow in Leith, as follows:—Since her liberation from the tolbooth of the Cannogait "Mr David Forrester, minister at the Bridge end of Leith, thinking himselfe so far behind that he gott not her lyfe according to his intent, hes not onelie made his moyen with her landsladie and caused her sett the supplicants hous and will not suffer her to dwell in Leith, bot makes her so odious that nane will sett her ane hous. And she having removed her selfe out of his parish to Prestounpanns where she wes borne, thinking there to have remained with her mother and brother, the said Mr David hes not onelie caused there also make her odious and moved Mr Johne Ker, minister, to remove her aff these bounds, bot also if she would goe to the farthest parts of Scotland, he intends to doe the lyke, without anie just caus or occasioun, to the compleaners utter wracke and ruine." She therefore craves that their Lordships would grant her their warrant "to dwell where she may most commodiouslie live." This the Lords do and

Supplication by Helen Hamilton, widow in Leith, that she may be allowed to live where she may find it most convenient, and be protected from the persecution of Mr. David Forrester, minister in Leith.

Fol. 360, b.

discharge "all ministers fra troubling her otherwayes nor be ordour of law and justice as they will answer upon the contrarie at thair perrell." Decreta, March 1631-April 1632. Fol. 361, a.

Protection to Ralph Ker of Redpath and his son that they may satisfy their creditors.

Charge having been given by James Bannatyne, son of Mr. Patrick Bannatyne, writer; Martin Leitche, servitor to the Earl of Lauderdaill; John Halyburtoun, younger of Mertoun, John George, merchant in Edinburgh, Robert Menteith there, Androw Dowgall and Walter Gibsoun, tailors in Edinburgh, Mr. David Gourley there, Johne Winrahame, and James Forsythe, creditors of Ralph Ker of Ridpeth, and Robert Ker, his son, to appear and see a protection granted to the said Ralph Ker and his son for selling their lands to satisfy their creditors, and the said Ralph Ker and his son compearing with John Halyburtoun of Mertoun, who consented to their receiving a protection until 5th June next, the Lords grant their protection to them until that day; and further declare that if the said John Halyburtoun of Mertoun does not oppose this warrant upon 5th June next that the same shall run and remain effectual against the abovenamed creditors till 20th June next.[1]

Holyrood House, 14th April 1632. James Lumsden to continue in ward.

"The Lords ordanis James Lumisden to be deteanned still in waird till the first Counsell day of Junij, and modifeis to him fyve shillings in the day to be payed to him be Sir James Dowglas of Mordingtoun." Sederunts, November 1629-January 1635. Fol. 80, a.

Whitehall, 18th April 1632. Letter from his Majesty anent the gendarmes to be raised by Lord Gordon for the service of the French King.

"CHARLES R., Right, etc. The companie of gensdarmes in that our kingdome appointed for the service of our brother, the Frenche King, being at this tyme to be leveyed and transported into France by our right trustie and weilbelovit counsellour, the Lord Gordoun, to whome the charge thairof is committed by our said brother, we speciallie recommend to yow to assist the said lord as occasioun sall require in what may anie wayes conduce to his speedie furtherance in that purpose, whiche we will take as acceptable service done unto us. We bid yow farewell. Frome our Court at Whitehall, the 18 day of Aprile, 1632." Royal Letters, 1623-33. Fol. 208, a.

Whitehall, 21st April 1632. Letter from his Majesty anent the trial of John Grant of Glenmoriston.

"CHARLES R., Right, etc. Whereas Johne Grant of Glenmorestoun hes long attended at our Court humbelie craving of us that we would be pleased to give order that a course might be takin for his tryell tuicheing some imputatiouns quhairwith we wer informed aganis him, who being willing to underly the law and to that effect to be tryed ather before the Justice Generall or anie other judicatorie yow sall thinke competent, our pleasure is that yow take sufficient suretie of him for his, his sonnes, brothers and servants appearance before yow or anie judicatorie thought competent by yow at suche a day as yow sall thinke fitt to prescribe, that he may injoy the benefite of the lawes as is ordinarie in the like caises. We bid yow farewell. Frome our Court at Whitehall, 21 Aprile, 1632." Fol. 209, a.

[1] Here ends a volume of the Decreta with this docquet. "This booke begins upon the 28 day of Januarie 1630 and end upon the 14 day of Aprile 1632, JACOBUS PRYMROIS." There is now a hiatus in this Register until 19th November 1633.

Acta January 1631-May 1632. Fol. 124, a.

Sederunt—Chancellor; Præses; Privy Seal; Wigtoun; Gallouay; Tracquair.

Holyrood House, 26th April 1632.

Warrant to Colonel Lumsden to levy 1200 men for service under the King of Sweden.

"The Lords of Secreit Counsell according to ane warrand in writt signed be the Kings Majestie and this day presented to the saids Lords hes givin and grantit, and be the tennour heirof gives and grants full power and commissioun to Colonell Lumisden to levey and take up ane regiment of 1200 men within this kingdome out of all suche persouns within the same as will undertake to goe with him, and to transport the same over sea for the service of his Majesteis darrest brother, the King of Sueden, he alwayes giving suche satisfactioun to everie one of the said regiment as he and they sall condescend upon according to the accustomed forme; with power to the said Colonell for the better conduct and governement of the said regiment to distribute and divide thame in competent nombers and companeis under thair severall officiars and commanders over thame, and to caus towcke drummes, displey cullours, and to doe and performe all and everie thing that towards the uplifting, transport and conduct of the said regiment is requisite and necessar; with als ample power, libertie and jurisdictioun as anie others colonells, officiars and commanders formerlie hes had within this kingdome: Firme and stable halding and for to hald all and whatsomever things the said Colonell sall lawfullie doe heerin: Commanding heirby all judges, officiars and magistrats to burgh and land that they and everie ane of thame within thair severall bounds and jurisdictiouns assist the said Colonell, his officiars and commanders in all and everie thing tending to the executioun of this commissioun, and to doe nor attempt nothing to hinder nor frustrat the same: And if anie persoun or persouns who sall receave pay and inroll thameselffes under the charge of the said Colonell his officiars and commanders, and thereafter sall abandoun and leave thair service, that than the saids judges, officiars and magistrats, upon complaint to be made and verified to thame, doe justice therein accordinglie. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Whereas our trustie and weilbelovit Colonell Lumsden hath caused move us in behalfe of our brother, the King of Sueden, for our licence to levey a regiment of men in that our kingdome for his service in the warres, to the effect all expeditioun be used for furthering of him therein, our pleasure is that with diligence yow grant unto him ane sufficient warrand with als ample commissioun for leveying and transporting of that regiment as heeretofore hath beene grantit to anie; and to that effect that yow grant licence to towcke drummes, he alwayes giving satisfactioun to everie one of that nomber as he and they sall condescend upon, according to the forme accustomed; for doing quhairof these presents

Fol. 124, b.

sall be your warrand. Frome our Court at Whitehall, the 13th day of Aprile, 1632." Acta January 1631-May 1632. Fol. 124, b.

Holyrood House, 27th April 1632.

Sederunt—Chancellor; Stratherne; Buccleuche; Sir Thomas Hope.

Charge anent a Hamburg ship which had been taken by Captain James Orrock in reprisal for losses sustained by the late Captain David Robertson. See *ante*, p. 420.

"Forsameekle as the Kings Majestie upon very just ground and warrand grantit letters of reprisall to Captane James Orrock aganis the citie of Hamburgh to the behove of the executours and awners of umquhill Captane David Robertsone his ship and goods, and the said Captane Orrock having latelie be vertew of the saids letters of reprisall takin ane ship of Hamburgh callit *The Jonas* loadned with cornes, pack goods, drywair commoditeis and other goods, and having brought the said ship to the port and harberie of Leith where he expected that the ship and her loadning sould have beene in suretie till she sould have beene declared according to the course of law and that nane of the companie and equippage of the said Captane Orrock his ship durst have presoomed in a seditious, factious and mutinous maner to have used anie violence aganis him, his ship or goods, bot to have persewed thair clames if they anie had, by dew course of law, nevertheles some of the companie and equippage of the said Captans ship, mistaking the difference betuix ane letter of marque, whilk is usuallie grantit aganis declared enemies to the Crowne and Estait, and ane letter of reprisall, whilk is onelie granted where justice is refuised aganis freinds and confederats, have alreadie begun to pillage the said ship callit *The Jonas*, and hes at thair awne hand without forme or order of law intrometted with some kists, cloathes and other small commoditeis belonging to the said ship callit *The Jonas*, and out of thair ignorance they doe unjustlie acclame a thrid of the said ship and goods to be dew to thame for thair shair, intending be way of deid in a violent and unlawfull maner to meddle with the said ship and goods under cullour of thair thrid part, disdaining to prosecute thair clame and interesse, if they anie have, by dew course of law, to the high and proud contempt of his Majestie, disgrace of his governement, and to the encouragement of lawlesse, insolent and seditious persouns to committ the lyke, without remeid be provydit. And whereas the Lord Great Admirall of this kingdome out of the dewtie of his office hes appointed some honest and sworne men to keepe the said shippe callit *The Jonas*, and to watche the same and goods being thereintill and to give informatioun of all abuses and wrongs that sall be intentit or committed aganis the said ship, to the intent the same ship and all the goods being thairin may be made furthcummand to all parteis claming interesse as law will, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the sworne men abonewrittin to have ane speciall care and regarde of the preservatioun and keeping of the said ship and goods and withstanding of all violence that sall be intendit or attempted aganis the same; and for this effect Fol. 125, a.

Acta January 1631-May 1632. Fol. 125 a.

that they keepe aboord the said ship callit *The Jonas*, or in sellers whairof the keyes sall remaine in the awners keeping, the whole kists and seckes of the companie of the said Captane Orrock his ship wherein thair cloaths and others commoditeis ar, to remaine under his Majesteis arreistment unintrometted with be anie persouns whatsomever till tryell and order be tane for pillaging of the said ship of Hamburgh; and siclyke to fence and arreist the whole kists and seckes quhilks ar aboord of the said Captane Orrocks ship callit *The Lyon* or aboord of the other pryze callit *The Prophet Daniel* whill the same be searched and inventar

Fol. 125, b.

tane thairof be order frome the said Lord Admirall or his deputs; and siclyke to command, charge and inhibite the haill companie and equippage of the said Captane Orrocks ship except himselfe and his lieutennent, who must be answerable for the behaviour and cariage of the companie, that they in no wayes presoome nor take upon hand to goe aboord of the said ship callit *The Jonas*; and if anie of thame be alreadie aboord of the said ship that they come ashoare, and no wayes presoome thereafter to goe aboard of the said ship under whatsomever cullour or pretext, within three houres after the charge, under the pane of death, with certificatioun to thame and they failyie the said pane sall be execute upon thame without favour."

Royal Letters, 1623-33. Fol. 208, b.

"CHARLES R., etc. Being informed of the qualitie and sufficiencie of our trustie and weilbelovit George Stirling of Keir and of his affectioun to doe us good service there our pleasure is that with all ceremonie requisite yow dub him knight according to the use and custome of that our ancient kingdome observed in the like caises; and for your so doing the presents sall be your warrand. Frome our Court at Whitehall, the first of May, 1632."

Whitehall, 1st May 1632. Letter from his Majesty requiring that George Stirling of Keir be dubbed a knight.

Acta January 1631-May 1632. Fol. 126, b.

Sederunt—Chancellor; President; Privy Seal; Wintoun; Gallouay; Lauderdaill; Gordon; Tracquair; Advocate; Sir James Baillie.

Holyrood House, 2nd May 1632.

"Forsameekle as upon the fyft day of Marche, the yeere of God j^{m}vj^{c} and threttie yeeres, Patrik Halket of Lumquhinnans, Issobell Bosuell, his spous, Williame and Johne Halkets, thair sonnes, Johne Meldrum in Lumquhinnan and David Dewer there, pretendit tennents of the south and north Lumquhinnans, wer orderlie denunced rebellis and putt to the horne be vertew of letters raised at the instance of M^{r} David Aittoun, servitour to M^{r} Andrew Aittoun of Logie, for not flitting and removing of thameselffes, thair tennents, servants, goods and geir furth and fra the lands abonewrittin with the pertinents, as the letters of horning execute, indorsat and registrat showin to the Lords of Secreit Counsell beiris; and whereas they remained, as they doe yitt, most proudlie and contempnandlie at the said processe of horne unrelaxt, and still continewed in thair violent possession of the saids lands with ane

Warrant to the Sheriff of Fife to seize the house of Lumquhinnans now held in defiance of law by Patrick Halket, his family, and others, and to apprehend and present before the Council the said persons.

sattled purpose and resolutioun to mainteane thair possessioun be way of deid, thairfoir letters wer direct and execute aganis the shireff of Fife and his deputs both for apprehending the persouns of the rebellis and for ejecting and putting thame furth and fra the lands abonewrittin, the houses and pertinents thairof, and for entering the said M^r^ David his tennents and servants to the actuall, reall, voide and peaceable possessioun of the saids lands and for mainteaning and assisting thame thereintill; and the said shireff out of the dewtie of his office resolving to have givin obedience to the charges foresaids execute aganis him, he directed one of his deputs accompanied and assisted with a number of his servants towards the place of Lumquhinnans upon the day of to have apprehendit the rebellis and to have ejected thame furth and fra the lands abonewrittin, quhilks they have maisterfullie and violentlie keeped and possest these twelffe or fourtene yeeres bypast in contempt of law and justice, and how soone thir rebellis gott notice of the shireff his purpose and resolutioun they resolved desperatelie to oppose thamselffes aganis the said shireff, and for this effect they fortified the said hous with new victuall and powlder, leade, muskets, hacquebuts, pistolls, garnets, and other warrelike provisioun, and they made up a little sconse neere to the said hous, stelled thair gunnes there, and keeped the hous and sconse as ane hous of warre aganis his Majestie and his auctoritie, to the great disgrace of his royall governement: And how soone the shireff depute and his companie approached neere to the said hous, being loath to enter in blood, they sent M^r^ Johne Chalmers, minister at Auchterderan, and M^r^ Androw Fairfull, minister at Leslie, with James Andersone, notar, and witnesses to the saids rebellis, desyring thame in his Majesteis name to render the hous to his officiar; bot the rebellis presooming upon thair awin power and strenth, having with thame ane nomber of souldiours latelie brought hame be thame for assisting of thame in thair violent courses, they gave ane plane and direct refuisall of obedience, protesting with manie fearfull and execrable oathes that they would never rander the hous bot would stand to thair defence to the utternost and sould have the lyffes of some of the best of the companie before they randered; uttering thir blasphemous words —they cared not altho the devill tooke thame, for they behoved once to dee—as ane instrument under the hand of the said notar and ane testificat under the hand of the saids M^r^ Johne Chalmers and M^r^ Johne Fairfull, showin to the saids Lords, beiris. And so the shireff and his deputs not being cled with power and auctoritie to raise fire and to apprehend the rebellis and recover the hous be force, they retired and come back. Quhilk publict and avowed contempt committed in the heart of the countrie by ane handfull of base and unworthie rebellis is so disgracefull to his Majestie and his auctoritie and is of suche ane wicked preparative and exemple, as it deserves ane most rigorous and sharpe course both for punishing the actors and preventing the forder

Acta January 1631-May 1632. Fol. 126, b.

Fol. 127, a.

Acta January 1631-May 1632. Fol. 127, a.

grouth of such disobedience. And thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun, expresse bidding and charge to the shireff of Fife and his deputs to convocat his Majesteis lieges in armes and to pas, persew and assiege the said hous of Lumquhinnans and sconse ewest to the same and to demolishe and cast doun to the ground the said sconse; as alsua to searche, seeke and take the rebellis foresaids and to bring and exhibite thame before the saids Lords to underly thair deserved punishement; with power to the said shireff and his deputs

Fol. 127, b.

for this effect to batter the said hous, to raise fire, to enclose the same and to use all kynde of force and warrelike ingyne that can be had for recoverie thairof and apprehending the rebellis and thair assisters being therein; and if in the pursute and assieging of the said hous and sconse and apprehending the rebellis and thair assisters thair sall happin slaughter, fire raising, mutilatioun or anie other inconvenient quhatsomever to fall out the saids Lords decernis and declares that the same sall not be impute as cryme nor offence to the said shireff or his deputs nor persons assisting thame in the executioun of this commissioun, exonering thame of all pane, cryme and danger that they may incurre thairthrow for ever: And ordains letters to be direct to command and charge all and sindrie his Majesteis lieges and subjects within the bounds of the shirefdome of Fife to rise, concurre, fortifie and assist the said shireff and his deputs in the executioun of this commissioun, and to conveene and meit with thame when and where they sall appoint and to follow thair directiouns in all things tuicheing the persute and recoverie of the said hous and apprehending the rebellis being thairin, as they and everie ane of thame will answere upon thair obedience at thair highest perrell."

Warrant to the Lord Chancellor anent the patent concerning the equality of customs in his Majesty's dominions. See *ante*, p. 458.

"Forsameekle as the Kingis Majestie hes signified his royall will and pleasure that in the signature and patent sent doun be his Majestie anent the customes betweene Scotland and England and in the proclamations to be direct thairupon his Majesteis title and style sall be King of Scotland, England, France, and Ireland, defender of the faith, and that Scotland sall be placed before England as England is before Scotland in that signature or patent whilk is given to this kingdome till the name of Great Britane be receaved by both kingdomes, thairfoir the Lords of Secreit Counsell allowes the Lord Chanceller to append the great seale to the said patent bearing his Majesteis stile to be of Scotland, England, France and Ireland, and allowes of the proclamatiouns direct and sent out in that forme."

Warrant to the Treasurer and Advocate for pursuing inbringers of dollars.

"The Lords of Secreit Counsell ordains Williame, Erle of Mortoun, Lord High Thesaurar of this kingdome; Johne, Lord Tracquair, deputie Thesaurar; and Sir Thomas Hope of Craighall, his Majesteis Advocat, to persew all persouns contraveenners of the act and proclamatioun made

anent importing of dollours within this kingdome be land after the first of September, and anent the receaving of dollours in payment of coale or salt after the first of November last bypast."[1] Acta January 1631-May 1632. Fol. 127, b.

John Gordon, elder of Craig.

"Ane letter frome his Majestie concerning Johne Gordoun, elder of Craig, and ane letter ordained to be written to the Archbishop of S^t^ Andrewes concerning that bussines." Sederunts, November 1629-January 1635. Fol. 80, b.

Lord Gordon and the gendarmes. See *ante*, p. 482.

"Ane missive frome his Majestie concerning the Lord Gordoun and assisting of him in his charge anent the gendsarmes."

Holyrood House, 2nd May 1632. Letter of Council to the Archbishop of St. Andrews anent John Gordon of Craig, Papist.

"After our verie heartilie commendatiouns to your good lordship. We have sent you herewith this inclosed letter directed frome the Kings Majestie to us concerning Johne Gordoun, elder of Craig, willing your lordship to inquire at the said Johne if he be resolved to go furth of the countrie to his soune conforme to the contents of his Majesteis letter, and if his indispositioun will not suffer him to goe that than your lordship direct him and with all give him warrand to keepe the first counsell day of Junij heere that with your lordships advyce he may be confynned in suche place and upon suche conditiouns as is prescryved in his Majesteis letter and as ar accustomed in the lyke caises. Quhilks recommending to your lordships care we commit your lordship to God. From Halyrudhous the 2 of May 1632. *Subscribitur*, Chanceller, Stratherne, Hadingtoun, Wintoun, Galloway Gordoun, Tracquair." Royal Letters, 1623-33. Fol. 207, b.

Whitehall, 2nd May 1632. Letter from his Majesty requiring that Robert Colvill of Cleish be dubbed a knight.

"CHARLES R., Right, etc. Being informed of the qualitie and suffi- ciencie of our trustie and weilbelovit Robert Colvill of Cleish and of his affectioun to doe us service there, our pleasure is that with all ceremonie requisite yow dub him knight according to the use and custome of that our ancient kingdome observed in the like caises; and for your so doing these presents sall be your warrand. Frome our Court at Whithall, the second of May, 1632." Fol. 208, b.

Whitehall, 4th May 1632. The same command anent Thomas Ker of Cavers.

"CHARLES R., Right trustie and right weilbelovit cousine and coun- sellour, we greit yow weill. Being informed of the qualitie and suffi- ciencie of our trustie and weilbelovit Thomas Ker of Cavers and of his affectioun to doe us good service there, our pleasure is that with all ceremonie requisite you dubbe him knight there according to the use and custome of that our ancient kingdome observed in the like caises; and for your so doing these presents sall be your warrand. Frome our Court at Whithall, the 4 day of May, 1632." Fol. 205, b.

Holyrood House, 19th May 1632. Letter of Council to the mayor of Newcastle anent two pirate ships of West Flanders.

"After our verie heartilie commendatiouns. Whereas twa freebootters of West Flanders come yesternight the 18 day of May instant to the road of Leith and kuist anker there as if they were freinds and merchant shippes and in the night they tooke ane Fleems hay out of the raid and upon the morning they boorded and tooke within the firth some of the fleit latelie come frome Holland and understanding that some wauchters ar lying upon that coast we have thought meit to give notice heirof unto yow and to requeist and desire yow to give advertisement to these Fol. 208, a. Fol. 208, b.

[1] Here ends this volume of the Acta as now bound, being the first half of the original volume.

Royal Letters 1623-33. Fol. 208, b.

wauchters of the boording and taking of thair Fleems ships and to desire thame to make thair addresse with all possible diligence to the sea and to make searche for thir freebootters and to use thair best endevoures for releeffe of the ships tane be the freebootters and persute of the freebootters as they sall find occasioun; quhairin yow will doe his Majestie good and acceptable service. Se we committ yow to God. Frome Halyrudhous, the 19 day of May, 1632. *Subscribitur*, Geo: Cancell., Stratherne, Hadintoun, Mar, Areskine, S^{r} Thomas Hop."

Acta June 1632-June 1634. Fol. 128, a.

Sederunt—Chancellor; S^{t} Andrewes; Præses; Privy Seal; Mar; Linlithgow; Wigtoun; Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Areskine; Carnegie; Naper; Tracquair; Secretary; Advocate; Sir John Scot. Holyrood House, 5th June 1632.

Letter from his Majesty desiring that the Council should devote one day every week to the discovery of the origin of the burning of Frendraught.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weill. Having formerlie writtin unto yow at diverse tymes how desyrous we wer that yow sould caus use all lawfull and possibill meanes for better cleering of the truthe tuicheing the burning of the towre of Fendraucht and that justice may be execute upon whosoever sould be found guiltie of so odious and barbarous a fact in the most exemplarie maner to the terrour of all others who sould attempt the lyke heerafter, our pleasure thairfore is that for the more hastie tryell of that bussines yow imploy one day in everie weeke upon the exact tryell of the samine (whiche we exceedinglie desire) and that yow never intermitt the prosecutioun thairof in maner foresaid till ane full conclusioun be putt thereunto; and that lykewayes in your proceedour all Acts of Parliament conduceing to that purpose be dewlie putt in executioun as they sall be produced be the parties insisters in the said persute; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Newmarket, the fyftene day of Marche, 1632. Quhilk letter being heard and considderit be the saids Lords they out of thair dewtifull respect to his Majesteis obedience and for cleering of the truthe of that mater hes thought meit and ordained that there sall be ane weekelie meiting twise everie weeke in the forenoone in the laich counselhous of Edinburgh anent the mater foresaid, and that thair first meiting sall be upon Thurisday nixt at ten of the clocke in the forenoone; and ordains these of the Counsell that ar upon the Sessioun to be excuised frome thir meitings."

Letter from his Majesty desiring that John Meldrum be put to the torture anent the burning of Frendraught.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weill. Whereas for the better cleering of the truthe tuicheing the burning of the towre of Fendraucht yow have by act of Counsell ordained Johne Meldrum to be putt to the tortour of the boots, bot have for some tyme and for some considerations delayed to take that course with him; being of late informed that there ar verie apparent presumptiouns of the said Meldrum tuicheing his knowledge of that fact or accident, thairfoir our expresse pleasure is that without further delay yow putt him to his tryell by tortouring him according to the said act, if yow finde no reason of new to the contrarie, and for your so doing these presents shall be your warrand. Frome our Court at Whitehall, the 28 of Marche, 1632. Quhilk letter being heard and consideritt be the saids Lords they continew the answering thairof till thair meiting upon Thurisday nixt in the forenoone." Acta June 1632-June 1634. Fol. 128, a. Fol. 128, b.

Letter from his Majesty anent certain Hamburg ships which have been seized by the partners of the deceased Captain Robertson.

See *ante*, p. 484.

"The whilk day the missive letter underwrittin signed be the Kingis Majestie and this day presented to the saids Lords wes read in thair audience, of the whilk the tennour followes:—[CHARLES R.]. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Whereas we ar informed that by vertew of our letters of reprysall grantit to Captane Robertsone, deceassed, some ships and goods of the Hamburgers have beene takin of lait by his partners, who being to receave satisfactioun of thame, we ar unwilling that these Hamburgers be troubled for anie other caus or occasioun whatsoever, to the effect that that State finding our just intentioun in what may concerne thame, good correspondence may be keeped betuix thame and our subjects; thairfoir our pleasure is that satisfactioun being made to these partners of what sall be found dew unto thame no exactioun, custome, dewtie or demand of anie money or thing whatsoever be exacted or demanded of thame, ather in behalfe of anie interest pretendit in our name or in the name of anie of our officers or subjects whatsomever. Whiche recommending to your care, we bid yow farewell. Frome our Court at Greenewiche, the 18 day of May, 1632.[1] Quhilk missive being consideritt by the saids Lords they continew the answering thairof till the ship be first judged."

Letter from his Majesty anent John Gordon, elder of Craig, papist.

See *ante*, p. 384.

"The Lords of Secreit Counsell, according to the directioun of his Majesteis missive letter sent doun in favours of John Gordoun, elder of Craig, having consideritt the age and inhabilitie of the said Laird of Fol. 129, a.

[1] This letter is also engrossed in the Register of Royal and other Letters, fol. 210, b.

Acta June 1632-June 1634. Fol. 129, a.

Craig and finding it no wayes fitting nor expedient that he sould be suffered to goe out of the countrie, the saids Lords with advice of the Archbishop of S[t] Andrewes, allowes him to remane in whatsomever part of the countrie he pleases. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. The inclosed petitioun having beene exhibite unto us in behalfe of the petitiouner whereby conceaving his demand to be verie reasonable, and (in respect of his age and infirmitie of bodie) to require our princelie commiseratioun, our pleasure is that furthwith yow grant unto him licence to repaire unto his sonne, or otherwayes, if he thinke the indispositioun of his bodie will not permitt him to travell to the part where his sonne is, that upon conditions accustomed to be takin in the like caises yow confyne him by advice of the right reverend father in God, our right trustie and weilbelovit counsellour, the Archbishop of St. Andrewes, to suche ane place within that our kingdome where he may most convenientlie injoy the meanes allotted unto him. Whiche recommending to your care we bid yow farewell. Frome our Court at Whitehall, the 19th day of Februarie, 1632."

The above letter is likewise entered upon the Register of Royal and other Letters and immediately after it "Followes the petitioun:—

To the Kings Most Excellent Majestie,

Royal Letters, 1623-33. Fol. 207, b.

The humble petitioun of Johne Gordoun, elder of Craig, humblie sheweth,—That for religioun order hes beene givin for banishing the petitioners sonne, his wife and childrein, and confynning himselfe, in respect of his great age, in a toun within Scotland; whiche order they have all humbelie obeyed, his sonne, wife and poore childrein having furthwith abandouned the kingdome. A two part of the poore estait which he hath being allotted to his sonne and his familie and a thrid part for himselfe, he now findeth that by suche a meane proportioun he cannot be able to live, being both aged and sickelie. His humble sute is that he may [have] leave to depart the kingdome to live with his sone, Fol. 208, a. becaus by thair estait undivided they may all be more able to subsist than otherwayes; and that your Majestie may be graciouslie pleased to give order to your Counsell there for that effect, and as in dewtie he sall ever be bound to pray for your Majesteis long and prosperous raigne."

Sederunts, November 1629-January 1635. Fol. 80, b.

"A letter for punishing of suche persouns as wrongouslie makes calumnious informatiouns to his Majestie. The Lords ordains his Majesteis Advocat to seeke out the acts and lawes made to that purpose to the effect publicatioun may be made thairof; and the letter wes givin up to him."

Holyrood House 5th June 1632. Anent persons who give calumnious information to his Majesty.

The preserving of his Majesty's game at Linlithgow.

"A letter for warrand to be givin to Sir John Hamiltoun of the Grange for preserving of the game of hunting within some distance of his Majesteis palace of Linlithgow, and ane act past accordinglie." Sederunt, November 1629-January 1635. Fol. 81, a.

Summons against Patrick Darleith and others for torturing Janet Reid.

"The Lords ordains his Majesteis Advocat to libell a summonds aganis Patrik Darleith and some others of the Laird of Houstouns men for torturing of Jonnet Reid, and to persew thame before his Majesteis Justice for the same; ordaining his Majesteis Justice if they sall happin to be convict to report to the Counsell quhat they sall be found guiltie of, to the effect order may be givin for pronuncing of doome according to the merit of the fact."

The above-named persons committed to ward.

"The quhilk day Mr Hew Archibald, Patrik Darleith, Bryce Galbraith, James Howstoun, John Schaw and Johne Miller, servitours to the Laird of Howstoun, wer committed to waird therein to remaine till they wer brought to thair tryell before his Majesteis Justice for thair alledged tortouring of Jonnet Reid."

The Laird of Houston and Janet Reid.

"The quhilk day the Laird of Howstoun wes fynned in ane thowsand punds for giving directioun to his servants to wake the said Jonnet Rid."

Holyrood House, 7th June 1632.

Sederunt—Chancellor; Præses; Privy Seal; Wigtoun; Buccleuche; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Areskine; Lord Carnegie; Lord Naper; Lord Tracquair; Secretary; Advocate; Sir John Scot. Acta June 1632-June 1634. Fol. 129, a.

John and Andrew Halket, rebels, committed to the Tolbooth of Edinburgh. See *ante*, p. 485.

"The whilk day James Smith, shireff depute of Fyfe, exhibite before the Lords of Privie Counsell Johne and Andro Halkets, rebellis, conforme to the commissioun direct to the shireff towards thair apprehensioun, thair forcible and contemptuous oppositioun to his Majesteis auctoritie with forbiddin weapouns being weill knowne to the saids Lords and thair bypast behaviour being tryed, the saids Lords ordains thame to be committed to waird within the tolbuith of Edinburgh."

Acknowledgment by Pempe Calandrine, merchant in London, of the money collected in Scotland for the relief of the ministers in the Palatinate.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Mr Williame Struthers, ane of the ministers of Edinburgh, and produced and exhibite before the saids Lords ane discharge under the hand and subscriptioun of Pempe Calladrine, merchant in Londoun, acknowledging the receipt of ane thowsand punds sterline fra Francis Dick as factor for Williame Dick, being ane part of the benevolence of Scotland collected toward the releefe of the distrest ministers of the Palatinat, and whiche soume the said Calladrine had made over by exchange to the behove aforesaid. Quhilk discharge being heard and considderit be the saids Lords they ordaine the same to be insert and registrat in the bookes of Privie Counsell, of the whilk the tennour followes:—These ar to certifie to whome it may concerne that I, Pempe Calladrine of Londoun, merchant, doe acknowledge to have receaved in the moneth of Februarie last past af Mr Francis Dick as factour of Mr Fol. 129, b.

Acta June 1632-June 1634. Fol. 129, b.

Williame Dick of the citie of Edinburgh in the kingdome of Scotland, merchant, the full soume of ane thowsand punds sterline English money, being in part of the collectioun of the churches of Scotland for the releefe of the distressed ministers of the Palatinate; quhiche soume of one thowsand punds I have made over by exchange by command and directioun of the right honourable and right reverend father in God, the Lord Archbishop his grace, to the saids ministers, partlie in the Upper and partlie in the Lower Palatinat, as under thair severall acquittances and certificats under thair hands more at large will appeare. Whiche certificats sall be delyvered to the said Mr Francis Dick to be sent over into Scotland als soone as they sall come into my hands. In witnes whairof I have sett my hand and seale heirunto; London, this 4th of May, 1632. *Sic subscribitur*, P. Calandrin. Sealed, signed and delyvered in the presence of Sir Anthony Witherings, Sigismondo Ethem."

Sederunts, November 1629-January 1635. Fol. 81, b.

"Missives to be writtin to the bishops in the north for furthering the imbringing of the moneyes collected for releefe of the distrest ministers of the Palatinat." Anent the contribution for the ministers of the Palatinate.

Royal Letters, 1623-33. Fol. 209, a.

"CHARLES R., Right, etc. Whereas we wer pleased upon good considerationns knowne to us to give order for continewing the tryell of Alaster Grant for a certane tyme, as our letter writtin for that effect doth beare, though we did delay it for that space it wes no way our intentioun to defraude justice, and therefore it is our pleasure that after the expyring of the said tyme yow give order for the tryell of him and of all others who ar accused or to be accused as engadged in the said rebellioun, and that all persouns who have bound thameselffes for produceing of the brokin men who ar complices with James Grant or the said Alaster that they exhibite thame according to the order prescribed be yow in that cause. Whiche recommending to your care we bid yow farewell. Frome our Court at Greenewiche, the 7 of June, 1632." Greenwich, 7th June 1632. Letter from his Majesty ordering the trial of Alaster Grant.

Fol. 213, a.

"CHARLES R., Right, etc. Whereas we are informed that some learned grammarians of these our kingdomes have approved of a grammar perfyted and dedicated unto us by one Mr. Robert Williamesoun as ane worke in that kynde verie exact and fitt speedilie to advance students to a knowledge of the Latine tongue, wherein seing he hath beene at the charge of the printing and otherwayes and that he is onelie desirous at this tyme to make use thairof in so farre as it sall be found fitt heerafter for the publict good, our pleasure is that yow caus peruse the said grammar and if yow find it suche, as is pretended, that no inconveniencie can arise unto our subjects by granting to the said Mr. Robert the benefite of his owne worke that yow give unto him and his partners during the space of twentie one yeeres licence to print and sell the said grammar and to that effect that yow give way for expeding a patent thereupoun under our caschet and seales in the usuall maner with suche conditiouns and restrictiouns as yow sall finde to be neccessarie in the lyke caises; Greenwich, 7th June 1632. Letter from his Majesty anent a new Latin Grammar by Mr. Robert Williamson.

for whiche these sall be your warrand. We bid yow heartilie farewell. Frome our mannour at Greenewich, the 7 of Junij, 1632." Royal Letters, 1623-33. Fol. 213, a.

Holyrood House, 8th June 1632.

Sederunt—Chancellor; Præses; Privy Seal; Wintoun; Linlithgow; Wigtoun; Buccleuche; Bishop of Dunkeld; Bishop of the Yles; Lord Areskine; Lord Carnegie; Lord Naper; Lord Tracquair; Advocate. Acta June 1632-June 1634. Fol. 129, b.

Act approving the proceeding of Robert Maxwell of Orchardton in arresting two Border thieves who had fled to Ireland.

"Forsameekle as Thomas Armestrang and Androw Johnestoun, twa notable theeves and fugitives for thift, having for eshewing of thair deserved punishement fled out of this kingdome towards Ireland, where they continewed in thair accustomed trade of thift as formerlie they have done within Scotland, whairof information being made to the Kings Majestie he sent his royall directioun and warrand to Ireland for apprehending of thir twa lymmars and sending of thame backe to Scotland to underly thair tryall, whilk wes accordinglie done be Robert Maxuell of Orchartoun, be whome the lymmars wer tane, brought to Scotland and committed to the jayle of Dumfreis, where they now remaine. And whereas the said Robert hes heerin verie dewtifullie conformed himselfe to his Majesteis royall pleasure, thairfoir the Lords of Privie Counsell finds and declares that the said Robert in taking and apprehending of the saids lymmars and bringing of thame to Scotland and committing thame to waird, as said is, hes done good and acceptable service to his Majestie and the countrie and meriting his Majesteis gratious remembrance." Fol. 130, a.

Letter from his Majesty anent the rentals of the late Earl of Bothwell.

"The whilk day the missive letter underwrittin tuicheing the cleering of some differenceis betuix the Erles of Roxburgh and Buccleuche and Francis Steuart anent the valuatioun of the lait Erle of Bothuell his estait, being presented to the Lords of Privie Counsell and read in thair audience, the saids Lords ordains the said missive to be insert and registrat in the bookes of Privie Counsell, of the quhilk the tennour followes: CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Having been pleased to consider of the differences betuix the noblemen interested in the forefalture of the late Erle of Bothuell, and Francis Steuart, his eldest sone, as may appeare by the directiouns that we have givin concerning the same, we doe heirby agane require yow to proceid in trying of the trew rent of the estait that they injoy by his forefaltour whiche hath at any tyme heeretofore beene payed to the lait Erle of Bothuell, or to anie other who had the saids lands or benefices before him, or unto thame who had thame of lait, and what ever is claymed be the said Francis which they or anie of thame have of that nature whairof they or thair authors wer not in possessioun by a good right preceeding the forefaltour and the said Francis his

cta June 32-June 34. ol. 130, a.

inhabilitie, so it is our pleasure that ather they quite the benefite of the forefaltour to us *pro tanto* of that whiche is in contraversie taking thame to thair other rights, or otherwayes that it be valued and come under our consideratioun with the rest. And as we desire that all rents, tithes and others commoditeis belonging to the premisses be dewlie valued, so lykewayes where there is anie laick patronages or churches, ather of the erledome or abbacie, we will that the ministers stipends being dewlie deduced the remaynder of the saids churches and patronages be trewlie estimated as the reall rents thairof and the samine to be trewlie reported unto us that we may finallie determine thereupon. All whiche recommending to your speciall care, we bid yow farewell. From our mannour at Greenewiche, the 28 of May, 1632."

ol. 130, b.

Sederunt—Chancellor; Præses; Privy Seal; Mar; Wintoun; Linlithgow; Wigtoun; Buccleuche; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Areskine; Carnegie; Naper; Tracquair; Secretary; Advocate; Sir John Scot. Holyrood House, 12th June 1632.

"The Lords of Secreit Counsell for certane causes and considerations moving thame ordains and commands his Majesteis Justice and his deputs to prorogat and continew the dyet appointed for tryell of James, Lord Uchiltrie, upon the points whairof he is accused before thame till the 25 of Julij nixtocome, quhereanent the extract of this act sall be to thame ane warrand." Further postponement of the trial of Lord Ochiltree.

"Forsameekle as John and Androw Halkets, sones lawfull to Patrik Halket, being latelie apprehendit be the Shireff of Fife and his deputs be vertew of a commissioun grantit to thame for that effect and being exhibite before the Lords of Privie Counsell, they wer be thame committed to waird in the tolbuith of Edinburgh for the forcible and violent oppositioun made be thame to the said shireff and his deputs with unlawfull and forbiddin weapons in the executioun of thair office. And whereas offences of this nature ar verie disgracefull to his Majesteis auctoritie and to law and justice and deserves exemplar punishement to the terror of others to committ the lyke, thairfoir the Lords of Secreit Counsell hes found it meit and expedient that the saids Johne and Androw Halkets sall be banished this kingdome during thair lyfetyme; and for this effect ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to appoint ane justice court to be haldin in the tolbuith of Edinburgh upon the threttene day of Junij instant and there to caus present and exhibite the saids Johne and Androw Halkets in judgement and to take thame actit that they sall depart and pas furth of this kindome and never returne agane within the same during thair lyfetymes without his Majesteis licence, under the pane of deid; and they Decree of banishment against John and Andrew Halket, sons of Patrick Halket. See *ante*, p. 492.

being so acted to returne thame backe to thair waird, there to remaine till some captane be provided to take thame out of the countrie." Acta June 1632-June 1634. Fol. 130, b.

Holyrood House, 12th June 1632. Same decree against Patrick Darleith for the torturing of Janet Reid. See *ante*, p. 492.

"The Lords ordanis Patrik Darleith to be banished this kingdome, and that he be presented before the Justice in a justice court to be halden the morne, and not to returne during his lyfetyme without his Majesteis licence under the pane of deid, and that for the tortouring of Jonnet Rid. Ordains the rest of Howstouns servants to be exhibite before the Counsell upon Thurisday nixt and to be admonished to forbeare suche doings heerafter." Sederunts. November 1629-January 1635. Fol. 82, a.

Holyrood House, 12th June 1632. Letter of Council to Sir Robert Maxwell of Orchardton commending him for his apprehension of the two Border thieves.

"After our verie heartilie commendatiouns. We have heard of the apprehensioun and bringing frome Ireland to this countrie of these twa notable lymmars and fugitives for thift, to witt, Thomas Armestrong and Androw Johnestoun, and how that yow have committed thame to sure keeping within the jayle of Dumfreis, quhairin we acknowledge that yow have done verie good and acceptable service to his Majestie and the countrie, and for the quhilk we rander unto yow our heartie thankes, and we sall give notice thairof to his Majestie who will not be unmyndefull thairof in anie interveening occasioun concerning yow. And quhairas yow are best acquainted with the bypast conversatioun of thir twa lymmars we will desire yow to lett us have your advice and opinioun where thair punishement will be most exemplar whither heere or in Dumfreis, and if at Dumfreis be whome, that accordinglie we may resolve upon that course quhilk sall be fittest to be followed out in this bussines. And so recommending yow to Gods protectioun, we rest, etc. *Subscribitur*, Geo: Cancell., Stratherne, Hadintoun. Halyrudhous, 12 *Junij*, 1632." Royal Letters. 1623-33. Fol. 209, a.

Holyrood House, 14th June 1632.

Sederunt—Chancellor; Præses; Privy Seal; Linlithgow; Perth; Wigtoun; Buccleuche; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Lorne; Areskine; Carnegie; Naper; Secretary; Advocate; Sir John Scot. Acta June 1632-June 1634. Fol. 131, a.

Postponement of the torture of John Meldrum.

"The Lords of Secreit Counsell thinkes fitt that the tortouring of Johne Meldrum sall be continewed till they be certified frome Major Sinclare of the truthe of the depositioun made by Captane Ogilvie concerning the burning of the hous of Fendraucht."

James Grant, *alias* Our, presented before the Council by Sir John Grant of Freuchie.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Johne Grant of Freuchie and brought and exhibite before the saids Lords James Grant *alias* Our, chamberlane to the said Sir Johne, to be examined and confronted with James Grant, prisouner in the Castell of Edinburgh, and Alaster Grant, prisouner in the tolbuith of Edinburgh, conforme to the act whairby the said Sir Johne was obleist to this effect of the dait the 29 of Marche last. Quhilk act being read, heard and consideritt be the saids Lords, and they advised therewith, the saids Lords continewes this mater till Tuisday nixt, and ordains the said Sir Johne to exhibite the said James that day."

Sederunts, November 1629-January 1635. Fol. 82, b.

"A letter frome his Majestie in favours of Johne Grant of Glen- Holyrood House, 14th
moreistoun and his sonnes for granting thame the benefite of his Majesteis June 1632.
lawes, they finding suretie for thair appearance before the Counsell or Letter from his Majesty in
anie other judicatorie the Counsell sall thinke competent to answer upon favour of John
suche imputatiouns quhairwith his Majestie is informed aganis Grant of Glen-
thame." moriston.

"A letter frome his Majestie for the tryell of Alaster Grant after Alaster Grant.
the terme quhairunto it wes continewed."

"The quhilk day the Lords ordains the bailleis of the Cannogait to James
delyver James Lumisden to Captane to be transported be him Lumsden.
to the warres."

Royal Letters, 1623-33. Fol. 209, b.

"After our verie heartilie commendations. Having carefullie bestirred Holyrood House, 14th
ourselffes and spent muche tyme in trying of the truthe tuicheing the June 1632.
burning of the hous of Fendraucht, we have heard of lait by the report Letter to Major Stewart
of Captane George Ogilvie that there is a souldiour in your companie desiring him to
who wes cooke to the Laird of Fendraucht and wes in his hous the send to the Council a cook
night of the burning that can give great light in the bussines, as by the who was in the
inclosed copie of the said captane his depositioun made in presence of House of Fren-
the Counsell you will more fullie perceave; whiche information (if it be draught on the night of the
trew) being worthie our serious advertance, and conceaving the same to burning, and is
be a cleere way for furthering the discoverie of that hiddin and de- alleged to possess information anent the said
testable fact, we have thairupoun thought good earnestlie to intreate yow burning.
to send that souldiour hither to the Counsell with the first commoditie,
togidder with a formall record in writt signed be yourselfe and your
serjants of all and everie thing that yow or they have heard or learned
frome him concerning that bussines and of the truthe of the relatioun
made unto us thereanent, and what charges yow sall bestow towards his
transport sall be thankefullie payed upon his arrivall heere. Quherin
being confident of your best care and diligence and that yow will not
be deficient in anie thing that may conduce to the cleering of suche a
nefarious deid, for whiche your panes you may rest assured to report
both frome his Majestie and the Counsell your deserved thankes, we
commit yow to God. Frome Halyrudhous, the 14 day of *Junij*, 1632.
Subscribitur, Gēo: Cancell., Strathern, Hadintoun, Linlithgow, Perth,
Wigtoun, Buccleuche, Annerdaill, Lorne, Areskine, S^r^ Thomas Hop.

Acta, June 1632-June 1634. Fol. 131, a.

Sederunt—Chancellor; Præses; Privy Seal; Mar; Linlithgow; Holyrood House, 19th
Wintoun; Perth; Wigtoun; Roxburgh; Buccleuche; Anner- June 1632.
daill; Lauderdaill; Bishop of Dumblan; Iles; Lord Gordoun;
Lord Lorne; Areskine; Melville; Carnegie; Naper; Tracquair;
Secretary; Advocate.

'The whilk day in presence of the Lords of Secreit Counsell compeired Caution by Sir John Grant of
personallie Sir Johne Grant of Freuchie and become actit and obleist as Freuchie for
cautioner and souertie for James Grant, *alias* Our, his chamberlane, that James Grant, *alias* Our, his chamberlain.

the said James sall remaine within the burgh of Edinburgh and compeir before the saids Lords when he sall be callit under the pane of three thowsand merkes." Acta, June 1632-June 1634. Fol. 131, a.

"The Lords of Secreit Counsell assignes the sevinteene day of Julij nixt to Sir Johne Grant of Freuchie for exhibitioun of James Grant in Aviemore and Petre Grant in Glenbrune before thame."

Holyrood House, 21st June 1632.

Sederunt—Chancellor; Præses; Privy Seal; Mar; Wintoun; Lin- Fol. 131, b.
lithgow; Perth; Wigtoun; Roxburgh; Buccleuche; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Lorne; Lord Areskine; Lord Melville; Lord Naper; Tracquair; Secretary; Advocate; Sir James Baillie.

Anent the rentals of the late Earl of Bothwell.

"The Lords of Secreit Counsell having heard and considderit these words of his Majesteis letter direct unto thame for tryell of the trew rent of the estait that the noblemen enjoy by the Erle of Bothuell his forefaltour,—whiche hes at anie tyme heretofore been payed to the lait Erle of Bothuell or to anie other who had the saids lands and benefices before him, or unto thame who had thame of lait,—and having reasouned upon the word thame what is meant thereby and to whome the same hes relatioun, the saids Lords finds that by the word thame the Erles of Roxburghe and Buccleuche ar cleerelie signified, and cannot be extendit to anie others than the saids Lords."

Direction to the Earls of Roxburgh and Buccleuch to report the rentals of the late Earl of Bothwell, now drawn by the said Earls, by the 12th of July next.

"The whilk day the Lords of Secreit Counsell upon ane overtour made unto thame by Francis Steuart, sone to the lait Erle Bothuell, and conforme to the desire thairof, hes, with consent of Robert, Erle of Roxburgh, and Walter, Erle of Buccleuche, who wer personallie present, found, declared and concluded, that the tryell of the trew rent of the lait Erle of Bothuell his estait (that the saids Erles enjoyes by his forefaltour) whiche hathe at anie tyme heeretofore beene payed to the lait Erle of Bothuell or to anie other who had the saids lands and benefices before him or to the saids Erles of Roxburgh and Buccleuche, who had the same of late, sall be regulated and cleered by the oaths of veritie of the saids Erles of Roxburgh and Buccleuche for what they bruike and have in thair awne possessioun or hath beene dispouned or givin out be thame to thair servants and others, with diminutioun of the old rentall, togidder with the gressomes receaved by thame for the same; to whois oathes of veritie the said Francis Steuart, being lykewayes personallie present, *simpliciter* referred the truthe of the premisses. Quhairupoun the saids Lords hes assigned and be the tennour heirof assignes to the saids Erles of Roxburgh and Buccleuche the twelffe day of Julij nixt for giving thair oath of veritie upon the truthe of the premisses; and ordaines thame to informe themselffes by their chamberlans and by all other Fol. 132, a.
meanes they best can concerning the trew rent of the saids lands and

Acta, June 1632-June 1634. Fol. 132, a.

benefices, and of the gressomes receaved be thame as said is. And for that effect that the said Francis Steuart delyver to the saids Erles a copie of the interrogatours whairupon they ar to be examined betuix and the fyft day of Julij nixt that after perusall thairof they may be the better prepared cleerelie and trewly to depone anent the truthe of what sall be referred to thair oath the said 12 day of Julij nixt. And the saids Lords declares that the tryell thus to be takin by the oathes of veritie of the saids Erles of Roxburgh and Buccleuche sall be receaved and susteanned as the sole and onelie way for cleering of the truthe of that whereanent they sall depone and sall be exclusive of all after probatioun in tyme coming."

Direction anent the rent and value of the churches of the Earldom of Bothwell and Abbacy of Kelso.

"The whilk day the Lords of Secreit Counsell hes assigned and be the tennour heirof assignes to Robert, Erle of Roxburgh, and Walter, Erle of Buccleuche, on the ane part, and to Francis Steuart, sonne to the lait Erle of Bothuell, the fyft day of Julij nixt for proving *hinc inde* the trew rent and availl of the churches of the erledome of Bothuell and abbacie of Kelso whiche ar not in thair awne possessioun; for whiche purpose ordains letters to be direct in forme as effeiris."

Royal Letters, 1623-33. Fol. 209, b.

Holyrood House, 21st June 1632. Letter of Council to the Admiral, magistrates and officers of the town of Blackney and country thereabout in England anent a pirate-ship of Dunkirk or Ostend, which had been cast ashore on a part of the English coast, and which contained goods robbed from a Scottish ship belonging to certain merchants of Linlithgow.

"After our verie heartilie commendatiouns. We ar informed by Thomas Edward and William and George Bells, merchants burgesses of Linlithgow, that they had sindrie goods in the ship of Ryer Potersone latelie takin and caried away frome the roade of the port of Leith by some freebooters of Dunkirk and Ostend, carying the Prince of Orange his cullours and pretending to be freinds, in a most treacherous kynde of practise, without regarde had by thame to the peace and confederacie latelie concluded betweene his most sacred Majestie and the King of Spaine, and in regarde the said shippe in her way or course to Dunkirk wes laitlie cast away upon the coast of England at or neere Blaikna as

Fol. 210, a.

we ar informed, and the goods all cast upon land, and a great part thereof intrometted with be the countrie people, and all arrested or seazed upon by the Admirall of that coast, frome whome the saids informers expecteth justice and a faire proceeding for recoverie or restitution of thair severall shares of the saids goods, and we being confident of your favourable assistance in suche a just challenge and demand of restitutioun in a caise which pleadeth pitie and may be incident upon anie other shipping ryding upon anie coast side of his Majesteis dominouns, we have thought fitt, at the humble sute of the saids merchants, heartilie to intreate your endeavours for the saids supplicants that both they may receave justice without delay and speedie restitutioun of quhat is intrometted with, or a valuable satisfactioun for the same, according [to] the particular quantiteis of the commoditeis and the severall values thairof, as the same is sett doun in a note exhibited unto us with thair supplicatioun, viz., a locked kist full of velvets, silks, grogran silkes, louse gallouns and water chamlets worth 2200 ℔. Scotish, two barrells of Indigo worth 400 ℔. and eight

tarred cable towes worth 300 lt., all perteaning to the said Thomas Edward; also ane boxe with eight steikes of Holland lining cloath worth 340 lt. and some other Holland worth 140 lt., some Damask takcloathes and napkins worth 450 lt., two tarred cable towes worth 150 lt., all perteaning to the said William Bell; and two barrell of gallouns made of camells haire and some harlain stuffs worth 500 lt., all perteaning to the said George Bell: and also a boxefull of Camriche worth 400 lt. perteaning to the said Alexander Mill. All whiche we doe heirby heartilie recommend to your sedulous cares and furtherance to the parteis for recoveries of thair losses as we sall ever be readie heerafter to afford the lyke favour unto yow or anie of your nighbours in anie thing whiche may concerne yow or thame in this kingdome. So not doubting of your performance, we committ yow heartilie to God. Halyrudhous, 21 *Junij*, 1632. *Subscribitur*, Geo: Cancell., Hadintoun, Wintoun, Linlithgow, Roxburgh, Annerdaill, Dunkelden, Yles, Naper, Se^r^, S^r^ Thomas Hope." Royal Letters, 1623-33. Fol. 210, a.

Holyrood House, 26th June 1632.

Sederunt—Chancellor; Mar; Linlithgow; Wintoun; Wigtoun; Perth; Roxburgh; Buccleuche; Annerdaill; Lauderdaill; Lord Gordoun; Lord Lorne; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Bishop of Dunkeld; Bishop of the Yles, Tracquair; Secretary. Acta, June 1632-June 1634. Fol. 132, a.

Act in favour of Mr. David Wedderburn granting him and his heirs the sole right to print his Latin Grammar for twenty-one years.

"Forsameekle as M^r^ David Wedderburne, maister of the Grammar Schoole at Aberdein, having with great panes and travellis framed and drawin up ane grammar as ane abridgement for facilitating of Despauters Grammar for the weale of the youth and gayning of muche tyme in the progresse of thair studeis and learning of good authors in the Latine tongue; quhilk worke being first offered to the consideratioun not onelie of the whole maisters of schooles of best marke within this kingdome, but also to all the colledges and universiteis within the same, they after good and mature perusall of the said worke hes givin thair approbatioun and allowance thereunto, and thereafter the same worke being lykewayes offered to the consideration of the Lords of his Majesteis Privie Counsell, after some objections made aganis the same be M^r^ Robert Williamesone, sometyme schoolemaister at Couper, the saids Lords of Privie Counsell for the better cleering of these objectiouns gave ane warrand to some speciall persons of approvin learning to peruse and consider the said grammar, and what wes fitting to be rectified and amended therein, and to report thair opinion to the saids Lords thereanent. Quhilks commissioners at diverse and sindrie meitings having heard the observatiouns and animadversiouns made upon the said grammar, first be the said M^r^ Robert Williamesone and thereafter be M^r^ James Gleg, schoolemaister at Dundie, and the said M^r^ Robert Williamesone being conscious to himselfe of his awne ignorance and inabilitie to susteane his objectiouns, he absented himselfe and compeired not in that earand, the Fol. 132, b.

Acta, June 1632-June 1634. Fol. 132, b.

saids commissioners thairfoir fand that the said M^r David Wedderburne his grammar sould be rectified and amended in some particular heads as the saids commissioners thought good; quhilk being accordinglie done, the saids commissioners by thair report made to the saids Lords this present day found the said grammar brought to suche perfectioun that they have judged it worthie to be imprinted and taught in the schooles, as the said report subscryved with thair hands upon the fourteene day of Junij instant beiris. And whereas this worke hes beene of great panes and travellis to the said M^r David, and the saids Lords finding that justice and equitie craves that he sould have the libertie and benefite of the sole printing and selling of his said grammar, and that no others sall encroache and usurpe the benefite of that whilk he with so great panes and travellis hes brought to perfectioun, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grants to the said M^r David, his airis and assigneyes, for the space of twentie ane yeeres nixt after the dait heirof, the sole and onelie libertie and priviledge of printing of the said grammar; discharging heirby all his Majesteis lieges and subjects whatsomever of printing of the said grammar ather within or without this kingdome, bot suche as sall be warranted and allowed be the said M^r David; discharging alsua all his Majesteis subjects of selling of anie of the saids bookes whilks sall be printed within this kingdome and imported within the same to be sauld, bot that
Fol. 133, a.
they suffer and permitt the said M^r David and his foresaids peaceablie to bruike and injoy this libertie and priviledge as the fruict of his panes and labours, as they and everie ane of thame will answere upon the contrarie at their highest charge and under the pane to be persewed and punished in thair persons and goods as contemners and misregarders of his Majesteis royall directiouns at the arbitrement of his Majesteis Counsell; and that letters of publicatioun be direct heirupon if neid beis in forme as effeiris."

Report anent Papists in the North.

"The whilk day Mr. Williame Guild, commissioner for the diocie of Aberdein, compeirand personallie before the saids Lords, made report unto thame anent the cariage of papists in the north, and gave in to the saids Lords ane letter frome the Bishop of Aberdein, and some greevances frome the Synod of Aberdein, with twa acts of convictioun of some papists in the north of thair resset of Jesuits and seminarie preists; the advising whairof the saids Lords continewes till Thursday nixt."

Sederunts, November 1629-January 1635. Fol. 83, a.

The trial of John Meldrum and John Toshauch.

"Ordains the Counsell to meit upon Thursday at eight houres in the morning in the laich counsellhous of Edinburgh anent the tryell of Johne Meldrum and Johne Toshauche."

Acta, June 1632-June 1634. Fol. 133, a.

Holyrood House, 28th June 1632.

Sederunt—Chancellor; Privy Seal; Mar; Wintoun; Linlithgow; Wigtoun; Perth; Lauderdaill; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Lord Lorne; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Sir James Baillie.

Charge to Captain Boill to appear before the Council, which has been informed that the said Captain has heard reports concerning the burning of Frendraught beyond sea.

"Forsameekle as the Lords of Secreit Counsell ar informed that Captane Boill hes heard some reports beyond sea concerning the burning of the house of Fendraucht, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said captane to compeir personally before the saids Lords upon Tuisday nixt, the thrid of Julij nixtocome, to depone in so farre as he knowes or sall be speirit at him in the said mater, under the pane of rebellioun, etc., with certificatioun, etc." Acts, June 1632-June 1634. Fol. 133, a.

Anent Papists in the North.

"The Lords of Secreit Counsell having heard and considderit the greevances propouned be M^r^ William Guild, commissioner for the diocie of Aberdein, tuicheing the behaviour of papists in the north, they ordaine the acts and orders sett doun aganis the resetters of Jesuits and seminarie preeists to be followed out and putt in executioun aganis them."

Declaration by the Laird of Frendraught anent John Meldrum whom he does not wish to be put to the torture unless it is desired by the Marquis of Huntly and others.

"The quhilk day James Crichtoun of Fendraucht compeirand personally before the Lords of Privie Counsell declared that he would concurre with the Marqueis of Huntlie and other noblemen interessed in persute of Johne Meldrum and tryell of his guiltines tuicheing the burning of the hous of Fendraucht, bot would not insist nor urge be himselfe more then is alreadie done, and thairupon gave in his declaratioun in writt, whairof the tennour followes:—I, James Crichtoun of Fendraucht, declares that I have used all lawfull diligence for trying of Johne Meldrum his guiltines of the burning of my hous as by his awne declaratioun and the depositioun of famous witnesses produced aganis him may easilie appeare; whiche I humbelie offer and remitt to your Lordships consideratioun, and will insist no farther aganis him in the point of tryell, having alreadie done all that is prestable by me in that bussines: Nather am I so cruellie disposed to urge his tortour, being doubtfull what may be the event of it, and thairfoir am resolved to forbeare all further persute of him by myselfe, except that the Marqueis of Huntlie and others interessed, conceaving his guiltines, will for clearing thairof urge the tortour, in whiche cace I will concurre with thame not onelie aganis the said Johne Meldrum bot aganis all persons suspect of that vile cryme; and will presse nothing be my selffe aganis anie bot will defend and cleith my selfe with my awne innocencie. *Sic subscribitur*, J. Crytoun." Fol. 133, b.

Declaration by the Earl of Errol and Lord Gordon for themselves and others.

"The whilk day Williame, Erle of Erroll, for himselfe and in name of the Lady Aboyne, his sister, and George, Lord Gordoun, for himselfe, and in name of George, Marqueis of Huntlie, his father, compeirand personallie before the Lords of Privie Counsell, declared that they would insist in the persute of Johne Meldrum and Johne Toshauche."

Holyrood House, 28th June 1632. Captain Boill and the burning of Frendraught.

"Charges aganis Captane Boill for his compeirance before the Counsell upon Tuisday nixt to declare what he knowes of Morestouns behaviour and discourse beyond sea; till whiche tyme continewes the tryell of Johne Meldrum and Toshoche." Sederunts, November 1629-January 1635. Fol. 83, b.

Sederunts, November 1629-January 1635. Fol. 83, b.

"Claud Hamiltoun, cautioner for Sir Thomas Boyd for the indemnitie of M^r Hew Montgomrie under the pane of 5000 merkes; M^r Wallace cautioner for M^r Hew Montgomrie for the indemnitie of Sir Thomas under the pane of 3000 merkes." Cautions by Claud Hamilton and Mr. Wallace.

"Sir Thomas Boyd nominat the Erle of Wigtoun, Sir Thomas Boyd [*sic ? lege* M^r Hew Montgomrie] nominat the Erle of Linlithgow, whome the Lords ordains to meit and travell betuix the saids parteis for sattling of thair differenceis." Dispute between Sir Thomas Boyd and Mr. Hew Montgomery.

Acta, June 1632-June 1634. Fol. 133, b.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Wigtoun; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Lord Lorne; Lord Melvill; Lord Carnegie; Lord Naper; Tracquair; Secretary; Sir James Baillie. Holyrood House, 3rd July 1632.

"The whilk day Sir Johne Grant of Freuchie having exhibite before the Lords of Privie Counsell James Grant in Avemore and Petre Grant in Glenbrune, for obedience of the act whereby the said Sir Johne wes obleist to that effect, the saids Lords ordains thame to be sequestrat to remane as after followes, viz—James Grant in Avemore with the Lord Tracquair, and Petre Grant with the Lord Carnegie; and ordains James Grant, *alias* Our, to remane with the Lord Chanceller, till they be examined upon suche interrogatours as sall be givin in aganis thame concerning the rebell, James Grant. And the saids Lords ordains James Grant of Carroun and Alaster Grant to be keeped in closse prissoun and nane to be suffered to speeke with thame bot be warrand." Various rebels of the name of Grant placed in ward till their day of trial. Fol. 134, a.

Sederunts, November 1629-January 1635. Fol. 84, a.

"Donnald Ferquharsoun of Inchemarroun, cautioner for Abiryeldie for his compeirance this day eight dayes to underly the Counsellis censure tuicheing his misbehaviour towards his ladie under the pane of five thowsand merkes; as alsua that he sall not ressett and intercommoun with Jesuits and seminarie preists under the same paine, and continewes all maters concerning him till Tuisday nixt, and prorogats his protectioun till Thursday thereafter." Holyrood House, 3rd July 1632. Caution by Donald Farquharson of Inchemarroun for the Laird of Abergeldie.

"Lytes for the Shireffs.

The quhilk day the persouns underwrittin wer lytted the Lords of Privie Counsell to be shireffs of the shirefdomes underwrittin for the yeere to come, they ar to say— Nomination of sheriffs for the ensuing year.

Edinburgh: Mr. Patrik Hamiltoun of Little Prestoun, Sir Thomas Thomsoun and David Prestoun of Quhythill.

Hadintoun: Hirdmistoun, younger, Sir Patrik Murray of Bancreif, Sir Robert Hepburn.

Bervick: Westnisbit, Langtoun, James Cockeburne of Ryslaw.

Linlithgow: Drummond of Medope, James Gib of Caribber, John Hamiltoun of Boghall.

Selkirk: Sir William Scot of Harden, Hew Scot of Gallascheillis, Sir John Murray of Philliphauche. Sederunts, November 1629-January 1635. Fol. 84, a.

Dumfreis: Conhaith, Ryhill, Lag.

Dumbartane: Ardincaple, Johne Naper of Kilmahew, Duntreth.

Forfar: Sir Johne Carnegie, the young Constable, Fintray.

Perth; Duncrub, Inchemartine, Inchebrakie younger.

Lanerk: Lamington, Hamiltoun of Torrence, Hamiltoun of Raploch.

Aberdein: Kemnay, Bolquhen, Straloch.

Innernes: Balveny, Fraser of Strowie, Tarbet.

Kyle Stewart: Mathow Wallace of Achans, Boyd of Portincrose, Dreghorne.

Annerdaill: The Laird of Johnestoun, James Johnestoun of Lochhous.

Air: Gatgirth, Crawfurd of Kase, Gabriel Porterfeild of Hapland."

M'Lean. "The quhilk day the Lords dispenses with M^cClaines compeirance upon the tent of Julij nixt." Fol. 84, b.

Caution by Mr. William Hay for young Hermiston. "M^r William Hay, commisser clerk, cautioner for young Hermistouns compeirance upon Thursday nixt under the panes conteanit in the former act."

Holyrood House, 5th July 1632. *Sederunt*—Chancellor; Privy Seal; Wintoun; Linlithgow; Wigtoun; Roxburgh; Buccleuche; Annerdaill; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Tracquair; Secretary; Sir James Baillie. Acta, June 1632-June 1634. Fol. 134, a

Anent the trial of the teinds and lands not in the possession of the Earls of Roxburgh and Buccleuch. "The whilk day Francis Steuart, sone to the late Erle of Bothuell, compeirand personallie before the Lords of Privie Counsell declared that he wes content to referre the tryell of the trew rent of the kirks and laick patronages of the erledome of Bothuell and abbacie of Kelso, whairof the Erles of Roxburgh and Buccleuche ar not in possessioun to the oathes of veritie of the heretours, tacksmen and possessours of the lands whairof the teinds belongs to the saids kirks and laick patronages; quhereanent the saids erles being present promeist to give thair answere the morne in the afternoone."

Interlocutor anent the forfeited lands of the late Earl of Bothwell possessed by the Earls of Roxburgh and Buccleuch. "The Lords of Secreit Counsell, according to his Majesteis letter and significatioun of his royall pleasure therein conteanit, finds and declares be interloquutour that for suche lands and teinds as the erles of Roxburgh and Buccleuche possesses of the erledome of Bothuell his forefaltour or Francis Stewart his inhabilitie, they sall quite the benefite of the forefaltour to his Majestie *pro tanto* of that whilk is in contraversie, taking thame to thair other rights, or otherways that the same be valued and come under his Majesteis consideratioun with the rest."

Anent the same forfeited lands. "The whilk day Francis Steuart, sone to the lait Erle of Bothuell, produced his interrogators, whairupon the Erles of Roxburgh and Buccleuche respective ar to be examined tuicheing the rent of the lands

Acta, June 1632-June 1634.

and teinds possest be thame of the erledome of Bothuell and abbacie of Kelso, quhilks wer givin up to the said erles."

Fol. 134, b.

"The Lords of Secreit Counsell gives and grants warrand and commissioun to the Erles of Wintoun and Linlithgow, the Lords Lorne, Areskine and Carnegie, or any three of thame, with the Justice depute, to conveene at suche times as they sall appoint, and to call before thame Johne Toshoche and to try and examine him anent his guiltines of the burning of the hous of Fendraucht, and for the better discoverie thairof to produce witnesses and to confront him with thame upon such interrogatours as sall be givin in thereanent; with power to the saids commissioners to proceid in the tryell of this bussines by causing of the said Johne Toshoche to be tortoured in suche kynde and measure as the commissioners sall prescryve; and for the saids commissioners thair better informatioun anent the forme of the tortour to be ministrat to the said Johne, with power to the saids commissioners to call unto thame suche persons as can give best light and directioun in maters of that kynde. And the saids Lords nominats and appoints the Erle of Wintoun to be conveenner."

Commission to the Earls of Winton and others to apply torture to John Toshoche to discover his guilt in connection with the burning of Frendraught.

"Forsameekle as the Lords of Secreit Counsell for the helpe and supplee of the gentlemen whois lands wer overwhelmed and drownned be ane mosse whilk brake out upon thame within the shirefdome of Stirline gave commissioun to the persouns underwrittin, they ar to say, etc. . . to collect and receave the voluntar contributioun and helpe of suche noblemen, prelate, barons, and burgesses and others his Majesteis subjects to burgh and land who out of thair pitie and compassioun of these gentlemens estaits would contribute to thair releeffe; and the said Lords, looking that thir collectours sould have discharged ane faithfull dewtie in this commissioun concredite unto thame, yitt, as the saids Lords ar informed, they, at the least some of thame, hes not as yitt givin a compt of thair intromissiouns bot delayes and shifts the same to the hinder of the gentlemen for whois releeffe thir contributiouns wer givin. Thairfoir the saids Lords ordains letters to be direct charging the collectours particularlie abonewrittin to compeir personallie before the saids Lords at ane certane day and to give in a trew and perfyte compt upon thair oath of veritie of thair intromissioun with the said contributioun, and how and to whom they have givin up the same or anie part or portioun thairof, under the pane of rebellioun, etc., with certificatioun, etc.; as also to charge the heretours in whois favours the said contributioun wes grantit and givin to compeir personallie before the saids Lords the day foresaid to heare and see everie mans part and portioun of the said contributioun according to thair losse and interesse to be allowed and allotted to thame, with certificatioun to thame and they failyie that the saids Lords will proceid to the said distributioun as they sall find justice and reasoun to require."

Charge to certain collectors of contributions for the relief of those who suffered by the sliding of the moss in Stirlingshire to appear before the Council and give account of the said contributions. See Index to Vol. III. (Second Series).

Fol. 135, a.

Decree of Council anent the lands of Silverwoods, the possession of which is in dispute between Sir Thomas Boyd of Bonshaw and Mr. Hew Montgomery.

"The Lords of Secreit Counsell having heard Sir Thomas Boyd of Bonshaw, knight, on the ane part, and M^r Hew Montgomerie on the other part, anent the right of the lands of Silverwode contraverted betuix thame, and the saids Lords out of thair regarde to the peace of the countrie being carefull to forsee and prevent all occasions of falling out betuix the saids parteis anent the questioun foresaid standing betuix thame, they have decerned, declared and ordained, and be the tennour of this present act decerns, declares and ordains that the said M^r Hew sall bruike and possesse the saids lands and meddle with and intromett with the crop presentlie growing upon the saids lands ay and whill he be orderlie callit and removed therefra be course of law; with this speciall provisioun that if the saids lands sall be heerafter evicted be the said Sir Thomas fra the said M^r Hew, in that caise the saids Lords decernis and ordains the said M^r Hew to make payment to the said Sir Thomas of the soume of fyve hundrethe merkes money of this kingdome for his wrongous possessioun, and that but prejudice of anie actioun competent to either of the saids parteis aganis others anent the right and possessioun of the saids lands as accords of the law. Quhairunto both the saids parteis being personallie present and this ordinance intimat unto thame acquiesced." Acta, June 1632-June 1634. Fol. 135, a.

Holyrood House, 6th July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Annerdaill; Bishop of Dumblane; Lord Areskine; Naper; Tracquair.

Anent the forfeited lands of the late Earl of Bothwell.

"The Lords of Secreit Counsell continewes the hearing of the Erles of Roxburgh and Buccleuche thair answere to the maner of probatioun pro-pouned be Francis Steuart for proving of the rent of the kirks and patronages belonging to the lait Erle of Bothuell whairof the saids Erles ar not in possessioun till Tuisday nixt."

Holyrood House, 10th July 1632.

Sederunt—Chancellor; Privy Seal; Mar; Wintoun; Linlithgow; Roxburgh; Buccleuche; Annerdaill; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Secretary; Advocate; Sir John Scot; Sir James Baillie. Fol. 135, b.

Anent the Papists of the diocese of Aberdeen.

"The whilk day M^r Williame Guild, commissioner for the diocie of Aberdein, gave in the greevances of the Assemblie of Aberdein tuicheing the contempt of excommunicat rebellis and increasse of poperie in the north upon occasioun of his Majesteis princelie indulgence grantit to some of these papists for thair returne after that they wer orderlie removed furth of the countrie. Whiche greevances wer givin up to the Advocat to be advised with till Thursday nixt."

Anent the trial of the teinds of the Earldom of

"Whereas by ane former act of the dait of the fyft of Julij instant Francis Stewart, sonne to the lait Erle of Bothuell, declared that he wes

ta. June 12-June 14. l. 135, b.

content to referre the tryell of the trew rent of the kirks and laick patronages of the erledome of Bothuell and abbacie of Kelso, whairof the Erles of Roxburgh and Buccleuche ar not in possessioun, to the oaths of veritie of the tacksmen and possessours of the saids teinds and heretours of the lands furth of quhilks the saids teinds ar uplifted, thairfoir the saids Lords declares that the tryell so to be takin by the oath of veritie of the saids heretours, tacksmen and possessours sall be obligatorie aganis thame, and the saids Erles of Roxburgh and Buccleuche, and Francis Steuart; and that they nor nane of thame sall be heerafter admitted to impugne the same. And the saids Lords forder declares that the valuation alreadie deduced before the Commissioun for the Surrenders and Teinds sall stand without prejudice to anie partie who hes not beene lawfullie callit to be heard for thair interesse and assignes the 24 and 26 of this instant to the saids parteis *hinc inde* for proving of the worth of the teinds foresaids." Bothwell and Abbacy of Kelso by the oath of the heritors and tacksmen.

"Forsameekle as Patrik Con of Achry, Doctour Williame Leslie, and Robert Irwing, burges of Aberdein, being removed out of this kingdome for thair obstinat refuisall to conforme thameselffes to the religioun presentlie profest within the same, and they being under band not to have returned without his Majesteis licence they upon some sinistrous informatiouns have procured his Majesteis warrand and licence for thair returne, and now being returned they have never acknowledged his Majesteis Counsell nor produced and shawin thair warrands to thame bot remaines publictlie and avowedlie in the countrie, to the contempt and misregarde of his Majesteis Counsell; thairfoir the saids Lords ordains letters to be direct charging the persons foresaids to compeir personallie before the saids Lords upon the day of July instant and to bring and produce with thame thair saids warrands to be seene and consideritt be the saids Lords, and to underly suche order as sall be tane thereanent, under the pane of rebellioun, etc., with certificatioun, etc.; certifeing thame alsua if they compeir not that the saids Lords will recall the saids licences." Charge to Doctor Leslie, Patrick Con, and Robert Irving to appear before the Council and produce their warrants for having returned to Scotland, from which they had been banished as Papists.

ol. 136, a.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Wigtoun; Roxburgh; Buccleuche; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Advocate; Sir John Scot; Sir James Baillie. Holyrood House, 12th July 1632.

"The whilk day the Erles of Roxburgh and Buccleuche having for thair better informatioun anent the trew rent of the erledome of Bothuell and abbacie of Kelso demanded Francis Steuart if he had anie rentalls of the said erledome and abbacie of Kelso, the said Francis declared that he had no other rentall then what he had givin in and disclaimed all others rentalls, and would not clame the benefite thairof in tyme Anent the rentals of the forfeited lands of the late Earl of Bothwell.

comming. And declares that he hes nane of his fathers rentallis nor could give no informatioun thereanent bot would adhere and acquiesce with what the saids Erles sould depone upon thair oath." Acta, June 1632–June 1634. Fol. 136, a.

Anent the same.

"The whilk day Francis Steuart produced three bookes conteaning the names of the tennents and lands belonging to the erledome of Bothuell and abbacie of Kelso, whairof twa wer givin up to the Erle of Buccleuche and one to the Erle of Roxburgh to be advised with till Tuisday."

Anent the same.

"The Lords with consẽt of parteis ordains the Erle of Lauderdaill to give inspectioun to the Erle of Roxburgh of what writts he hes concerning the erledome of Bothuell and abbacie of Kelso."

Statement of grievances by the Synod of Aberdeen against excommunicated Papists who have returned from exile without sufficient warrant.

"The quhilk day in presence of the Lords of Privie Counsell compeired personallie M^r^ Williame Guild, commissioner frome the diocie of Aberdein, and gave in to the saids Lords the greevances of the Synodall Assemblie of the said diocie subscryved with his hand, of the quhilks the tennour follows:— Fol. 136. b.

The Greevance of the Synodall Assemblie of Aberdein by thair commissioner to the Lords of his Majesteis most honourabill Privie Counsell.

It is greevouslie regraited that when the Churche hes used the censure of excommunicatioun, and upon it horning aganis obstinat papists, and implored and obteaned the auctoritie of his Majesteis Counsell so farre as the lawes of the kingdome doeth permitt, yit these obstinat papists for eluding both of Churche and Counsell makes a cullour of removing furth of the realme, and after they have remained sometyme furth thairof they upon false narratives supplicats his Majestie and obteanes licences to returne for a certane space, during whiche tyme those of thair professioun ar greatlie thereby encouraged upon expectation of finding the like libertie to returne to the countrie when they sall be reduced to the lyke extremitie as thameselffes hes beene; whairof the diocesan churche of Aberdene hes found the proofe in the persons of Thomas Menzeis of Balgownie, Patrik Con of Artrochie and Robert Irwing, burges of Aberdein, who pretends the having of a constant warrand for his brother, M^r^ Alexander Irwing, Thomas Menzeis and himselfe of remaining and resorting from tyme to tyme to the countrie continuallie.

The evills whiche have followed upon the returne of excommunicat papists within the countrie.

1. A nomber of his Majesteis subjects who wer at the point of giving obedience to the Churche before thair returne ar now become so obstinat that they will abide the last dint of excommunicatioun and after that

ta, June 32-June 34. l. 136, b.

horning and thereafter the auctoritie of the Counsell and after that banishement, expecting after it (whiche is the last) the lyke favour of returne.

2. These who returne come not alone bot under thair cullour lyke-wayes Jesuits and seminarie preists repaires frequentlie to the countrie, and going about to the houses of simple ones perverts thame; so that now more Jesuits and seminarie preists ar observed to have resorted thither within this short tyme nor of before, as the severall acts of thair conviction aganis thair ressetters exhibite at this tyme to your lordships hes givin sufficient proofe.

l. 137, a.

3. The hands and hearts of pastors ar muche discouraged and weakenned when they find all thair travellis and labours for purging the land of idolatrie to be frustrat when after three or foure yeares processe aganis papists before excommunicatioun and a long tyme after before his Majesteis Counsell for urging the executioun of the lawes thereupoun all resolves in banishement and the banishement in a licence to returne, and the licence to returne in an increasse of obstinacie.

And seing the remedie heirof stands in the sole and soverane power and pleasure of his sacred Majestie who, upon the knowledge of such heavie prejudices whiche arises by granting licences, may be pleased ather to recâll or restraine and refuse thame altogidder, or before the granting of suche to referre the tryell of the pretendit causes to your lordships and to heare the bishop of the diocie or commissioner of the Churche thereanent before the granting thairof, thairfoir humbelie supplicats your lordships to send up this our greevance to his sacred Majestie that his Hienes, zealouslie considering heirof may doe heerin as sall seeme best to his royall pleasure. *Subscribitur*, W^m^ Guild, commissioner.

Quhilks greevances being heard and considderit be the saids Lords and they advised therewith, the saids Lords ordains the same to be sent up to his Majestie, togidder with ane missive, of the quhilk the tennour followes:—Most sacred Soverane,—This day compeired before us ane commissioner frome the diocesan assemblie of Aberdene and exhibite unto us certane greevances of the said assemblie concerning the proud contempt of some obstinat excommunicat papists who being denunced your Majesteis rebellis and removed out of the kingdome for that caus, have procured licences to returne for a short space, wherein they ar alledged to live more scandalouslie than before, and the said commissioners humble desire wes that we would send up the saids greevances to your most sacred Majestie. We having heard and considderit thair petitioun and desire in this point have thought it our dewtie to send up the saids greevances to your Majestie, and will humbelie intreate your Majestie after considerationn thairof to returne unto us the significatioun of your royall will and pleasure thereanent. And so praying God to blesse your Majestie with a long and happie raigne, we rest, Halyrud-

hous, *ultimo Julij*, 1632. *Subscribitur*, Dupline, Mar, Wintoun, Linlithgow, Wigtoun, Roxburgh, Tullibardin, Buccleuche, Annerdaill, Naper, Arch. Achesone." Acta, June 1632-June 1634. Fol. 137, a.

Cases of Doctor Leslie and Robert Irving, Papists, who have returned from exile without certifying the Council of their warrant.

"Anent our soverane lords letters direct makand mentioun, forsameekle as Doctour Williame Leslie and Robert Irwing, burges of Aberdein, being removed out of this kingdome for thair obstinat refuisall to conforme thameselffes to the religioun presentlie profest within the same, and they being under band not to have returned without his Majesteis licence they, upon some sinistrous informatioun, hes procured warrand and licence for thair returne; and now being returned they have never acknowledged his Majesteis Counsell nor produced and shawin thair warrands to thame, bot remaines publictlie and avowedlie in the countrie to the contempt and misregarde of the saids Lords: And anent the charge givin to the said Doctour Leslie and Robert Irwing to have compeired personallie before the Lords of Privie Counsell this present twelfe day of Julij instant and to have brought and produced with thame thair saids warrands to have beene seene and considderit be the saids Lords and to have underlyne suche order as sould be tane thereanent, under the pane of rebellioun, etc., with certificatioun, etc., certifeing thame alsua if they compeired not the saids Lords would recall the saids licences, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsations thereof: Quhilks being callit and Johne, Bishop of Murrey, compeirand personallie with the saids Doctour Leslie and Robert Irwing, who alledged that they had his Majesteis warrands for thair returne within this kingdome; quhilk alledgeance being heard and considderit be the saids Lords and they being therewith weill advised, the Lords of Secreit Counsell assignes to the said Robert Irwing the twentie sext of this instant for productioun of his warrand, and to Doctour Leslie, Thursday nixt for production of his warrand with the act of Counsell following thairupoun; and ordains the Bishop of Murrey to produce that day the act of Assemblie tuicheing doctours of medicine; and allowes the said doctour to attend the Marqueis of Huntlie for ministring of physick unto him; and ordains him to carie himselfe modestlie without giving mater of offence or scandall and not to repaire in anie wayes publictlie in tyme of divine service under the pane of recalling of his warrand." Fol. 137, b.

Laird of Abergeldie.

"The Lords prorogats the warrand grantit to Aberyeldie till this day eight dayes." Sederunts, November 1629-January 1635. Fol. 35, b.

Holyrood House, 17th July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Wigtoun; Roxburgh; Buccleuche; Lauderdaill; Annerdaill; Lord Gordon; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Secretary; Sir James Baillie; Sir John Scot. Acta, June 1632-June 1634. Fol. 137, b.

Francis Stewart, son of

"The whilk day in presence of the Lords of Secreit Counsell compeired Fol. 138, a.

cta, June 32 June 34. ol. 138, a.

personallie Francis Steuart, sonne to the lait Erle of Bothuell, and declared that for the trew and more speedie tryell of the estait of the kirks belonging to the abbacie of Kelso, whairof the Erle of Roxburgh is not in possessioun by intromissioun with the teinds of the same, he wes content to referre to the oath of veritie of the said Erle of Roxburgh the tacke dewtie of the saids teinds and gressomes receaved by the said Erle for the same, and what tacks or other rights of the saids teinds the said Erle hes made or grantit since the tyme of the forefaltour, as also what the teinds of the saids kirks payed of old to the Abbots of Kelso and lait Erle of Bothuell sua far as the said Erle knowes himselfe or can be able to learne by informatioun from others. And siclyke the said Francis declared that he wes content and consented that the dewteis payable to the said Erle of Roxburgh furth of the kirk lands of the said Abbacie for what the said Erle possesses in the right of the forefaltour togidder with the gressomes receaved be the said Erle for and in satisfactioun of the right made be him of the saids lands sould in lyke maner be cleered and provin by the oath of veritie of the said Erle; with the whiche forme of tryell thus referred by the said Francis to the said Erle of Roxburgh his oath of veritie the said Erle being lykewayes personallie present wes content and acquiesced. In respect whairof the saids Lords hes assigned and be the tennour heirof assignes to the said Erle of Roxburgh the twentie saxt of this instant to give his oath of veritie tuicheing the truthe of the premisses; and ordains the said Erle to condescend that day what kirklands he hes sett in few and what in tacke and what gressomes he hes receaved for the same by and attour the saids yeerlie dueteis."

the late Earl of Bothwell, declares his willingness to abide by the oath of the Earl of Roxburgh anent the teinds of the Abbacy of Kelso, formerly owned by the said Earl of Bothwell.

"Forsameekle as upon the twelffe of this instant Francis Steuart, sone to the lait Erle of Bothuell, compeirand personallie before the Lords of his Majesteis Privie Counsell, and having exhibite ane rentall of the lands and teinds of the Abbacie of Kelso blanke in the dewtie of the particular lands and teinds thairof which he craved to be filled up by the Erle of Roxburgh upon his oath of veritie, the said Erle compeirand this day before the saids Lords he reproduced the said rentall togidder with the just double of the same filled up by him in maner foresaid, whairupon and anent the truthe thairof the said Erle being sworne in presence of the said Francis, he declared upon oath that according to his awne knowledge and the informatioun he had frome others the rentall foresaid filled up by him, as said is, wes just and trew and thairupon subscryved the same. In respect whairof the saids Lords with consent of the said Francis and conforme to ane preceeding act of the 21 of Junij last hes susteanned the said rentall and ordains the same to be receaved and stand in force aganis the said Francis and to be exclusive of all after tryell and probation for the particular lands and teinds therein conteanit."

The Earl of Roxburgh takes the required oath.

Fol. 138, b.

"Forsameekle as upon the twelffe of this instant Francis Steuart, sone to the lait Erle of Bothuell, compeirand personallie before the Lords of

The Earl of Buccleuch takes his oath

anent the rentals of lands which he owns from the forfeited estate of the late Earl of Bothwell.

his Majesteis Privie Counsell, and having exhibit twa rentalls, one of the lordship of Liddisdaill and another of the lordship of Crichtoun, Morhame and Hales, conteaning the lands and teinds of the said lordships blanke in the dewteis of the particular lands and teinds thairof quhilk he craved to be filled up by the Erle of Buccleuche upon his oath of veritie, the said Erle compeirand this day before the saids Lords reproduced the saids rentalls togidder with his answere made to the saids rentalls conteaning ane rentall of the lands and teinds foresaids givin up be the said Erle himselfe in so far as concernes the lordship of Liddisdaill. And tuicheing the lands and teinds of the lordship of Crichtoun, Morhame and Hales the said Erle declared that he adhered to the first rentall givin in be him of the saids lands and teinds in the moneth of Marche last. Quhairupon and anent the truthe thairof the said Erle being sworne in presence of the said Francis, he declared upon oath that according to his awne knowledge and the informatioun he had frome others the twa rentalls forsaids wer just and trew; and thairupon subscryved the same. In respect whairof the saids Lords with consent of the said Francis and conforme to ane preceeding act of the 21 of Junij last hes susteanned the saids twa rentalls and ordains the same to be receaved and stand in force aganis the said Francis and to be exclusive of all after tryell and probation for the particular lands and teinds therein conteanit." Acta, June 1632–June 1634. Fol. 138, b.

James Crichton of Frendraught, and the burning of Frendraught.

"The whilk day James Crichtoun of Fendraucht togidder with M^r^ James Baird, his procuratour, compeirand personally before the Lords of Privie Counsell, protested that the said James being declared free and innocent of the burning of his hous of Fendraucht and of the noblemen and others being therein for the tyme, he may have actioun aganis the Marqueis of Huntlie and Lord Gordoun for domage and expenses."

Direction to the Justice for granting criminal letters against John Toshoch.

"The Lords of Secreit Counsell ordains and commands the Justice deputs to grant letters to the Marqueis of Huntlie for persewing of Johne Toschoche for the crymes to be conteanit in his dittay."

Imprisonment for a challenge to the combat.

"The quhilk day Johne Mure of Auchindraine wes committed to the tolbuith of Edinburgh for wryting a challenge to the Laird of Gatgirth, his Majesteis shireff." Sederunt, November 1629–January 1635. Fol. 86, a.

Holyrood House, 19th July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Roxburgh; Buccleuche; Annerdaill; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Bishop of Yles; Lord Gordoun; Areskine; Melvill; Carnegie; Naper; Tracquair; Secretary; Advocate; Sir John Scot; Sir James Baillie. Acta, June 1632–June 1634. Fol. 139, a.

Declaration by the Sheriff of Berwick anent James Nasmith

"The whilk day Johne Home of Rentoun, shireff of Beruick, compeirand personallie before the Lords of Privie Counsell declared that for obedience of the Counsellis charge he had past upon Fryday last with James

Acts, June 1632-June 1634. Vol. 139, a.

Nasmith and putt him in possessioun of the hous of Coldingknowes, took inventar of the goodis being therein and stayed the morne till the said James held ane curt where the tennents gave all dewtifull obedience and compeirance. Quhilk declaration being heard and consideritt be the saids Lords they allow of the Shireffs diligence in this mater." and the House of Cowdenknowes.

"The whilk day Francis Steuart, sonne of the lait Erle of Bothuell, compeirand personallie before the Lords of his Majesteis Privie Counsell declared that for the trew and more speedie tryell of the estait of the kirks belonging to the erldome of Bothuell whairunto the Erle of Buccleuche pretends right by the forefaltour of the lait Erle of Bothuell and whairof the said Erle of Buccleuche is not [*sic*] in possessioun by intromissiouns of the teinds of the samine kirks, he wes content to referre to the oath of veritie of the said Erle of Buccleuche the tacke dewteis payable to him furth of the saids teinds and gressumes receaved by him for his right and consent to the saids tacks, and what tacks or others rights of the saids teinds the said Erle hes made or grantit since the tyme of the forefaltour; as also what the teinds of the saids kirks payed of old to the Erle of Bothuell, so farre as the said Erle of Buccleuche knowes of himselfe or is able to learn by informatioun frome others; with the whiche forme of tryell thus referred by the said Francis to the said Erle of Buccleuche his oath of veritie, the said Erle, being personallie present, wes content and acquiesced. In respect whairof the saids Lords hes assigned and be the tennour heirof assignes to the said Erle of Buccleuche the 26 of this instant to give his oath of veritie tuicheing the truthe of the premises." Act anent the valuation of the kirks and teinds of the earldom of Bothwell pertaining to Buccleuch.

"The whilk day Walter, Erle of Buccleuche, compeirand personallie before the Lords of Privie Counsell, declared that he disclamed all right that he can pretend to the kirks of Woltoun and Liddisdaill by the forefaltour of the late Erle of Bothuell." Buccleuch's declaration anent the kirks of Woltoun and Liddesdale.

Vol. 139, b.

"The Lords of Secreit Counsell according to ane warrand in writt signed be the Kings Majestie and this day presented to the saids Lords, gives and grants thair warrand, libertie and licence to Sir George Home of Manderstoun and Sir Alexander Home, his sone, to come in publict for sattling thair lawfull effairs within this kingdome till the last day of Marche nixtocome, discharging in the meane tyme all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis within burgh, and all others judges, officiars and magistrats to burgh and land, and als all messingers of armes of all troubling, warding or arreisting of the saids Sir George and Alexander Homes be vertew of anie civill hornings, captiouns or other warrand execute aganis thame for any debts; discharging, etc. Followes his Majesteis missive for warrand of the act abonewrittin: CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas upon good considerationns we wer pleased a yeere agoe to grant Protection granted to Sir George Home of Manderston and Sir Alexander Home, his son.

to our welbelovit servant, Sir Alexander Hume, a protectioun for one yeere whairby to free him from some encumbrances brought upon him in his younger yeeres and to the end he might have the concurrence of his father, Sir George Hume, (necessarilie requisite unto him) yow did upon our letter grant ane protectioun to the said Sir George. In regarde at that tyme our said servant for occasions speciallie concerning our service wes forced to repaire from thence to our Court whereby he did lose the opportunitie and benefite of that tyme grantit to him, our pleasure therefore is that according to our first intentioun yow grant of new to our said servant and his father libertie to come in publict for the lawfull setling of their effaires till the end of the ensewing winter sessioun, for whiche these sall be your sufficient warrand. We bid yow heartilie farewell. From our mannour of Greenewiche, the 27 of June, 1632." Acta, June 1632-June 1634. Fol. 139, b.

Mr. Robert Williamson's Latin Grammar.

"A letter from his Majestie for perusal of a grammar compyled be M^r Robert Williamesoun, and granting libertie to him and his partiners to print and sell the same for the space of twentie ane yeeres." Sederunt, November 1629-January 1635. Fol. 86, a.

M'Neill of Barra and Lochbuy.

"The Lords continewes the compeirance of M^cNeill of Barra and Lochbowy till the first Counsell day of November."

Holyrood House, 24th July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Roxburgh; Buccleuche; Lauderdaill; Bishop of Dumblane; Bishop of the Iles; Lord Areskine; Melvill; Carnegie; Naper; Tracquair; Secretary; Sir James Baillie. Fol. 86, b.

[No record of business.]

Edinburgh, 25th July 1632.

Sederunt—Chancellor; Hadinton; Winton; Roxburgh; Buccleuche; Perth; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Carnegie; Naper; Sir James Baillie. Acta, June 1632-June 1634. Fol. 139, b.

Postponement of the trial of Lord Ochiltree.

"The Lords of Secreit Counsell for certane causses and considerations moving thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputs, to continew the dyet appointed for tryell of the Lord Uchiltrie upon the points whairof he is accused before thame till the 24 of August nixt, quhereanent thir presents sall be to thame ane warrand." Fol. 140, a.

Holyrood House, 26th July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Roxburgh; Buccleuche; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Secretary; Sir James Baillie.

Cases of Doctor William Leslie and Robert Irving, excommuni-

"Anent the terme assigned to Doctour Williame Leslie and Robert Irwing for productioun before the Lords of Privie Counsell of the warrands grantit to thame for thair returne within this kingdome, as in

Acta, June 632-June 634. Vol. 140, a.

the act made to this effect at lenth is conteanit; quhilk being callit and Johne, Bishop of Murrey, compeirand personallie, who produced and exhibite before the Lords of Privie Counsell ane act and warrand of Counsell of the dait the saxteenth day of December, 1616, conteaning ane prohibitioun and discharge to all persons of what ranke and qualitie so ever they be that nane of thame presoome nor take upon hand to professe or practise physick whill first they receave ane testimoniall of the Bishop of the diocie where they dwell of thair conformitie to the trew religioun presentlie profest and be law established within this kingdome under the pane of fyve hundreth merkes to be incurred be everie persoun contraveening thir presents; and the said Doctour Williame Leslie compeirand personallie, and the said Robert Irwing compeirand be Mr Robert Petrie, his procurator, who for obedience and satisfactioun of the act foresaid and terme assigned to thame for productioun of thair warrands produced and exhibite before the saids Lords thair warrands for thair returne within this kingdome, to witt,—the said Doctour Leslie produced his warrand and act of Counsell grantit to him for his returne within this kingdome and the said Mr Robert Petrie, in name of the said Robert Irwing, produced ane warrand grantit to the said Robert be the Kings Majestie for his returne within this kingdome and for his remaining therein during the space of sax moneths to order his effaires, as the said licence bearing dait at Greenewiche, the 25 day of May 1631, yeeres beiris. Quhilks warrands being read, seene and consideritt be the saids Lords and they weill advised therewith, the Lords of Secreit Counsell finds and declares that the licence grantit to the said Doctour Leslie wes onelie in favours and for the service of the Marqueis of Huntlie, and thairfoir discharges the said Doctour of all ministring of physick to anie others persons within this kingdome except to the said Marqueis of Huntlie and his familie allanerlie; and commands the said Doctour, who wes personallie present, to carie himselfe soberlie without giving scandall or offence in maters of religioun or misbehaving himselfe towards the bishops or ministers under all highest censure that can be inflicted upon him. And the saids Lords ordains ane authentick copie of the licence grantit to the said Robert Irwing to be sent to the Bishop of Abirdein to the intent he may be advised therewith and know his Majesteis will and pleasure thereanent. Followes the tennour of the licence:—CHARLES R. Whereas we have beene humbelie petitiouned in behalfe of Robert and Alexander Irwings and Thomas Meinzeis that they may have suche libertie to trade in that our kingdome as is grantit to anie stranger resorting thither and the rather that they out of ane humble and dew obedience to our lawes did abandoun our said kingdome and have settled thameselffes, wifes and famileis in Deepe in France, where they (being reduced to great povertie) can hardlie live (as we ar informed) without they be licenced to repaire to and frome that kingdome for dispatche of thair necessarie effaires in trade of merchandice,

Vol. 140, b.

cated Papists, who have returned to Scotland, from which they had been banished.

and in some things concerning thair owne privat estaits wherewith they (in obedience to our saids lawes) could not have tyme to take order at thair departure thence; these considerationns joynned with that of thair losses susteanned (as we ar lykewayes informed) by thame, have moved in us our princelie compassioun so farre to give way to thair demand as may not anie wayes wrong or derogate frome the estait of the present religioun within the said kingdome. To whiche purpose we have signified our pleasure to our Counsell. These ar thairfoir to licence the saids Robert and Alexander Irwings and Thomas Meinzeis during the space of sax moneths to order thair effaires within the said kingdome and to trade within the same frome tyme to tyme as occasioun sall require during the said space, they behaving thameselffes as aforesaid, inhibiting yow and everie of yow frome troubling or anie wayes molesting the saids persons or anie of thame at anie tyme as aforesaid or upon anie occasioun in despatching thair saids effaires as yow and everie of yow will answerè us in the contrare at your perrills. So we bid yow farewell. Givin at our mannour of Greenwiche, the 25 day of May, 1631. To all and sindrie our officers, servants and others, our subjects whatsoever, als weill ecclesiasticall as civill, of our kingdome of Scotland whome these presents doe or may concerne." Acta, June 1632-June 1634. Fol. 140, b. Fol. 141, a

Submission of their differences to the Lord High Chancellor by Crichton of Frendraught and John Leslie, apparent of Pitcaple.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Crichtoun of Fendraucht, on the ane pairt, and Johne Leslie, appearand of Pitcaple, for himselfe and takand the burden on him for suche of his freinds and servants as wère charged as parteis before his Majesteis Counsell and Justice anent the burning of the hous of Fendraucht and witnesses before his Majesteis Counsell for cleering of that caus, on the other part, and submitted, lykeas be the tennour of this present act both the saids parteis for thameselffes, and the said Laird of Pitcaple takand the burden on him, as said is, submitts the present differences standing betuix thame tuicheing the domage and expenses craved be the said Laird of Pitcaple frome the said Laird of Fendraucht and alledged susteanned be the said Laird of Pitcaple himselfe and his saids freinds and servants throw the charging of his saids freinds and servants and his and thair attendance upon the mater foresaid, togidder with the actioun depending thairupon before the saids Lords, and the answeres made or to be made thereto be the said Laird of Fendraucht, to the decreit and determinatioun of the right honnourable George, Vicount of Dupline, Lord High Chanceller of this kingdome, and to his sentence to be givin and pronunced therein; lykeas the said Lord Chanceller accepted this submissioun in and upon him and hes appointed and be the tennour heirof appoints the last day of August nixtocome to both the saids parteis to conveene and meit with him at the burgh of Perth, and to produce with thame thair clames and the answeres and objectiouns concerning the same and what either of thame hes to say, propone or alledge aganis others, to the intent that after consideratioun

Acta, June 632-June 634. Fol. 141, a.

thairof the said Lord Chanceller may the more cleerelie and resolutelie goe on to the pronuncing and delyverie of his decreit and sentence. Lykeas the said Lord Chanceller promeist to give furth his decreit and sentence heeranent betuix and the first Counsell day of November nixtocome, and both the saids parteis bound and obleist thame to stand, abide at, underly and fulfill all and whatever the said Lord Chanceller sall pronunce and delyver in the premises but appellatioun, reclamatioun, or agane calling whatsomever."

Fol. 141, b.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Thomas Gordoun, brother to James Gordoun of Letterfoure, for obedience of the act whereby he wes bound to that effect of the dait, the fyftene day of November last, insert and registrat in the bookes of Privie Counsell, quhilk act being read, heard and considderit be the saids Lords, and they being willing to use all lawfull meanes for reclaming of the said Thomas frome his opiniouns to the acknowledgement of the truthe, thairfoir the Lords of Secreit Counsell hes prorogat and continewes the warrand grantit to the said Thomas upon the said fyftene day of November last for his conforming himselfe to the religioun till the 25 day of Januarie nixtocome. Becaus the said Thomas Gordoun, compeirand this day personallie before the saids Lords, as said is, actit, band and obleist himselfe that betuix and the terme of Martimes nixtocome he sall repaire to the burgh of Aberdein and remaine there be the space of fyftene dayes togidder for receaving instructioun and informatioun in the doubts of his religioun fra Doctour Johne and Williame Forbesses or Doctour Baron, or one or other of thame, as they salbe directed be the Bishop of Aberdein. And if induring the tyme abonewrittin he cannot be moved to repaire to the kirk for hearing of the Word that than he sall compeir personallie before the saids Lords upon the said 25 of Januarie nixt for receaving thair forder will and pleasure concerning him, under the pane of ane thowsand merkes, and that in the meane tyme, whill the said 25 of Januarie nixt, he sall carie himselfe modestlie and soberlie without giving occasioun of offence or scandall to the Kirk, under the said pane of ane thowsand merkes." Act anent Thomas Gordon, Papist.

"The Lords of Secreit Counsell according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame hes remitted and discharged and be the tennour of this present act remitts and discharges to James Law, Snadoun Herald, all and whatsomever soumes of money of his Majesteis taxatiouns intromitted with be him in anie tyme bygane, whairof he hes not made compt nor payment; and exoners, freeths and releeves him of the same for ever, and that in respect, as his Majestie is trewlie informed, the said James by his panes and travellis and great charges and expenses hes discovered great soumes of concealed moneyes quhilks without his travellis had never come to light. And for the said James his forder exoneratioun and releefe of his intromissiouns with the saids taxatiouns the saids Lords, according to his Act in favour of James Law, Snowdon Herald.

Fol. 142, a.

Majesteis warrand foresaid, recommends to the Lords of his Majesteis Exchecker the passing and expeding of the lyke act of exoneratioun and discharge in favours of the said James; quhilk act so to be exped in Exchecker with this present act sall be ane sufficient exoneratioun and discharge to the collectours of the said taxatioun now present or who wer for that tyme, and to all others whome it may concerne, in thair accompts, and upon productioun of thir acts the same sall be allowed to thame in compt. And siclyke the saids Lords according to his Majesteis said letter ordains and commands the provest and bailleis of Edinburgh to putt the said James Law to libertie and freedome furth of their tolbuith in so farre as he is warded for the caus abonewrittin and to suffer him pass where he please, quhairanent the extract of this act sall be to thame a warrand. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Being informed that James Law, Snadoun Herald, did make use of some of our taxatiouns (with the collectioun whairof he wes than intrusted) for not delyverie of whiche unto our use he is now a prisouner, and that by his panes and travellis in discoverie of diverse concealed moneyes whiche wer brought in for our use, and for other good services done by him unto us, we owe unto him some soumes of money, our pleasure is that yow consider his panes and examine his accompts, and that yow remitt and discharge him of what sall be found dew unto us by him, that thereupon ane act of Exchecker be made for his exoneratioun at the hands of our Collectour Generall of our taxatiouns now or who wes for that tyme, and of all others whome it may concerne; *giving order that he be no longer deteanned in prison for that caus, for whiche these sall be your warrand. We bid yow heartilie farewell. Frome our mannour of Greenwiche, 15 of June, 1632." Acta, June 1632-June 1634. Fol. 142, a.

The Earl of Roxburgh and the rentals of the kirks of the Abbacy of Kelso.

"The Lords of Secreit Counsell continewes the dyet appointed to the Erle of Roxburgh for giving in the rentall of the kirks of the Abbacie of Kelso till the saxt day of September nixt, betuix and whiche tyme the said Erle undertooke to give in the rentall of the saids kirks to the Clerk of his Majesteis Counsell, subscryved with his hand upon his honnour and conscience that the said rentall is true according to his knowledge and informatioun that he hes had concerning the same." Fol. 142, b.

Anent the lay patronages of the Earldom of Bothwell.

"The Lords of Secreit Counsell thinkes fitt and hes concludit that the teinds of the kirks of the erledome of Bothuell belonging to laick patronages sall be valued for the better differencing of the worth of the patronages, bot no wayes to be esteemed as ane part of the Erle of Buccleuche his rent; and declares that the tryell thairof sall proceed before the subcommissioners, whiche the Lords will receave and susteane as they sall be fra tyme to tyme discust and reported."

Acta, June 1632-June 1634. Fol. 153, b.

Declaration by the Earl of Buccleuch anent the patronages of kirks within the lands of the forfeited Earl of Bothwell.[1]

"Forsameekle as upon the nynteenth day of Julij instant Francis Steuart, sone to the lait Erle of Bothuell, compeirand personallie before the Lords of Privie Counsell, referred to the oath of veritie of Walter, Erle of Buccleuche, the tacke dewteis payable to the said Erle with the gressomes receaved by him furth of the kirks of Hauche, Aldhamstockes, Morhame, Crichtoun, Quhitsome, Wiltoun, Carruther, Galry, Bothuell, Hawick, Wolstoun, and Dolphinstoun with the prebendareis and chaplanreis belonging thereto, whairof the said Erle hes the patronage in the right of the forefaltour, and this present day being assigned to him for that effect, the said Erle, compeirand personallie this day before the saids Lords, gave in his declaratioun in writt, of the whilk the tennour followes:—Answeres be the Erle of Buccleuche to the clame givin in be Francis Steuart anent the patronage of the kirks whilk the said Erle hes be the forefaltour of umquhill Francis Steuart, lait Erle of Bothuell, and of the commoditie that the Erle of Buccleuche or his father hes had by them since the forefaltour. *Imprimis*, To the kirk of Hauche, whilk is commounlie callit the kirk of Prestoun, the Erle of Buccleuche nor his father never had commoditie thairof, and all that they hed wes onelie the power to present ane person minister thereto. Lykeas this Erle of Buccleuche presentit M^r James Dalyell, now minister thereat. *Item*, as to the kirk callit Aldhamstockes, Repeits *ut supra*, and that the Erle of Buccleuche hes presented one callit M^r Johne Patersone. *Item.* Repeits the lyke for the kirk of Morhame, whairunto the Erle of Buccleuche hes presented M^r Thomas Turnebull, persoun and minister thereat. It is trew that umquhill Daniel Wallace, who wes last minister thereat, gave certane tacks to Francis Steuart or ane or others in his name of the teinds thairof, whilks he and they hes bruiked and as yitt possesses. *Item.* The provestrie of Crichtoun wes provydit be the last Lord of Buccleuche to umquhill Sir Gedeoun Murray of Elibanke, knight, last provest thereat, who in his lyfetyme sett als manie tackes of the said provestrie with consent of the patron as might subsist and stand be law in favours of Williame Murrey, his brother, whilks tacks sensyne be the platt ar prorogat for the space of ane hundreth yeeres longer, and the dewtie the tacks extends to, three hundreth merkes yeerelie; and since his decease presentit Johne Scot, his brother naturall thereto. *Item.* Repeits the lyke for the kirk of Quhitsome, and that the last Lord of Buccleuche presentit M^r Alexander Kinneir, last minister thereat, without anie gratitude or good deid, and hes onelie right to the presentatioun thereof. *Item.* The kirk of Wiltoun is takin by the Erle of Buccleuches father as vaikand in his Hienes hand by the forefaltour of umquhill Francis, sometyme Erle of Bothuell, nottheless it is trew and of veritie that the Erle of Buccleuche and his predecessours hes right to the said

Fol. 154, a.

[1] Omitted at its proper place in the Register. An act to the same effect is inserted, also out of its place, on fol. 147, b. And on the margin it is stated there—"This declaratioun in ane more particular forme to be found upon the saxt leafe after this."

kirk be the space of ane hundreth yeeres before the said forefaltrie. Lykeas the Erle of Buccleuches father presentit M^r William Clerk, minister thereat, who is yitt alive. *Item.* As to the kirk of Carruthers, it is takin be the Erle of Buccleuche throw the forefaltour of the said umquhill Erle Bothuell; nottheles the kirk is presented be the Erle of Nithisdaill and at his presentatioun. Lykeas the tyme of the forefalture of the last Erle of Nithisdaill, Sir Gedeoun Murray, having right by the forefaltrie, presented ane persoun minister thereat, and thereby the Erle of Buccleuche wes excluded. *Item.* As to the kirk of Galry and patronage thereof, the Erle of Buccleuche hes no right thereto; bot the same wes gifted to my Lord Ochiltrie togidder with the baronie of Erlestoun, callit Glengen, be his Majestie, and, as we understand, the Laird of Lochinvar hes the same at his directioun. *Item.* As to the kirk of Bothuell and provestrie thereof, the samine is dispouned be the Erle of Buccleuche at his Majesteis command in favours of the Marques of Hamiltoun, and swa the Erle of Buccleuche is quite thairof, and that quhilk belonged to the Marques comes not in compt at this tyme. *Item.* As to the kirk of Hawick, M^r Robert Cuninghame is presentit be the Erle of Buccleuche persoun and minister thereat be the deceasse of umquhill M^r Adame Scot, last minister thereat; quhilk umquhill M^r Adame wes presented be the transportatioun of M^r Thomas Abirnethie, whilk M^r Thomas Abirnethie wes presented be the Erle of Buccleuche thereto by the deceasse of umquhill M^r Williame Fowler, who wes presentit be umquhill Francis, lait Erle of Bothuell, long before his forefaltrie; quhilk umquhill M^r Williame Fouller as persoun and vicar of Hawick sett tacks of the personage and vicarage thairof to umquhill Sir Gedeoun Murray for manie yeeres yitt to rin, quhairunto the said umquhill Sir Gedeoun Murray hes constitute the Erle of Buccleuche assigney for great soumes of money. *Item.* The patronage of the kirk of Liddisdaill is lykewayes takin be the Erle of Buccleuche throw the forefaltrie of the lait Erle of Bothuell. Yitt it is trew that the kirk of Liddisdaill is ane of the kirks of the Abbacie of Jedburgh, and the abbacie erected in ane temporall lordship in the persoun of the Erle of Home, who hes dispouned the same to umquhill Sir Johne Ker of Jedburgh; quhilk Sir Johne Ker of Jedburgh hes dispouned both the kirklands and teinds to the Erle of Buccleuche heretablie, and be that right the Erle of Buccleuche cleiths himselfe. *Item.* As to the kirk of Wolstoun and Dolphinstoun the Erle of Buccleuche clames no right thereto; bot as we ar informed the Erle of Mar has the right and presentatioun of thame both. With the quhilk declaratioun the saids Lords being weill advised they have notwithstanding thought meit for his Majesteis better informatioun anent the different worth of the particular patronages of the saids kirks that the estait of the severall kirks of the saids patronages sall be reported to his Majestie according as the same ar and sall be valued before the subcommissioners appointed for the valuatioun of the teinds; quhiche report so to be made to his

Acta, June 1632-June 1634. Fol. 154, a.

Fol. 154, b.

Acta, June 1632-June 1634. Fol. 154, b.

Majestie concerning the valuatioun of the saids kirks the saids Lords susteanes to this intent and purpose allanerlie that his Majesty may be thereby acquainted with the different worth of each particular patronage, as said is, and no forder. And the saids Lords declares that the valuatioun foresaid sall be no wayes obligatorie aganis the said Erle of Buccleuche to make him comptable for the fruicts of the benefices as a part of the rent whiche he bruikes in the right of the forefaultour, seing he drawes no rent out of the same in the vertew of that right."

Fol. 147, b.

A shorter declaration by the Earl of Buccleuch anent the same.

The shorter declaration by the Earl of Buccleuch is as follows:—"Forsameekle as upon the nynteenth day of July (etc. as above) . . . of the quhilk the tennour followes:—The Answere givin in be the Erle of Buccleuche for satisfeing this dayes dyet, the 26 of July 1632 yeeres instant. The Erle of Buccleuche by his oath of veritie declares that the haill kirks belonging to his lordship by the forefaltour of the lait Erle of Bothuel, his lordship hes onelie right to these kirks as patron, and hes no intromissioun with the teinds of anie of thame by the forefaltour of the lait Erle of Bothuell. And declares that his lordship gott never anie entreis or good deid for presenting of anie minister to anie of the saids kirks; and this Erle of Buccleuche sett never anie tacks of the kirks to no persoun nor persouns nor never gott anie gressome nor entreis for anie consent he gave to anie tacks sett by anie of the persons whome his lordship presented at anie tyme heeretofore, and knowes not what the teinds of anie of the saids kirks payed of old to the lait Erle of Bothuell, nather can he learne by informatioun of anie others. With the whilk declaratioun the saids Lords (etc. as above)."

Fol. 142, b.

Edinburgh, 27th July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Roxbugh; Buccleuche; Areskine; Dumblane; Bishop of the Yles; Melvill; Naper; Secretary.

Letter from his Majesty anent the coinage.

"The whilk day the missive letter underwrittin togidder with some overtures for reforming the abuse of the coyne wer presented to the Lords of Secreit Counsell and read in thair audience, of the quhilks the tennour followes:—CHARLES R. Right trusty and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Having considered the great prejudice that we receave in our dominiouns by the abuse of the coyne, the best of our gold and silver being exported to forrane natiouns and ane base sort of money imported in place thereof, we have the more willinglie hearkned to suche propositions as wer made for remedie of the same that we may heereafter with your advice and with advice of our Counsell heere resolve what course is best to be takin for reforming the present abuses and preventing the lyke heerafter. Our pleasure is that yow take the propositioun whiche we send yow heerewith into

your consideratioun, as lykewayes anie other that sall be made by Johne Achesone, generall of our Mynte there, having callit for thame for that effect, and after that yow have seriouslie considderit of thame that so soone as convenientlie yow can yow certifie us of your opinioun what yow thinke best to be done heerin, that we may heerafter take suche a course thereanent for the good of our kingdome. And so we bid yow fareweill. Frome our Court at Greenewiche, the sixth of Junij, 1632. Acta, June 1632-June 1634. Fol. 142, b.

Proposal made to his Majesty by John Acheson, General of the Mint, for remedying the state of the coinage.

"May it please your sacred Majestie—To take into your consideratioun the great abuse occasiouned in your kingdome of Scotland by the course of diverse forrayne coynes, especiallie ane great nomber of all kynds of dollers of the imperiall coynes and others, which being imported by the cunning and covetousnesse of privat men, ar vented at ane higher rate (by ten in the hundreth) then your Majesteis awne coynes, and so draw all your owne coynes out of the kingdome to the unsupportable losse of your faithfull subjects and immeasurable gayne of strangers, who make thair payment in these baser sorts of money for suche commoditeis as they buy (not being able to live without thame) and export yeerelie out of your Majesteis kingdome of Scotland. For redresse of which abuses and releefe of your Majesteis faithfull subjects and to the end the saids forraine coynes may be with als little losse as may be drawin out of thair hands and yitt not exported out of the kingdome (whiche would infalliblie come to passe if these coynes wer cryed doun and reduced to thair just value according to your Majesteis ordinances) it is humbelie propouned to your Majestie as the most expedient way that your Majestie would be pleased to have thame in your owne mynt converted into certane kynds of small coyne, whairof your subjects stands in neid, the fynnesse, weight and value whairof, als weill in worke as out of worke sall be after specified. And howsoever the best of the rex dollers being in weight and fynnesse according to your Majesteis ordinances worth no more bot 4s. 5d. sterline, nevertheles if it will please your Majestie for a certane tyme to remitt for the ease of the subjects and dispense with the right belonging to your Majestie upon the coynnage the saids rex dollours may be takin frome the subjects and converted into the said small coyne at foure shillings aucht penneis sterline, and the other forraine coynes proportionallie to thair fynnesse, to witt, allowing for everie unce of silvir of 11d. fyne, 5s. 4d. sterline, whiche pryce the Maister of the Mynt must be obliged to pay to suche as bring in the saids forraine coynes of that fynnesse. And to the effect there may be no abuse in the exchange thereof bot that suche as bring thame in may be sure to receave thair trew value according to thair weight and fynesse, they may have libertie to stand by and see thame melted in the Mynt, and thereafter (according to the judgement whilk the ordinar officiars sall make of thair value) receave frome the Maister of the Mynt thair just price at the rate of 5s. 4d. for the unce of silver 11d. fyne, which is at 4s. 8d. sterline for everie rex dollour. At whiche Fol. 143, a.

Acta, June 1632-June 1634. Fol. 143, a.

rate of 4s. 8d. it is not fitt that the rex doller sould have course bot onelie for the space of foure moneths after proclamatioun, and after that tyme during the space of six moneths longer to be receaved at the rate of foure shillings 6d.; whiche being lykewayes expired than to reduce thame to thair trew value of 4s. 5d. according to your Majesteis present standard, to run as bullioun for the ordinarie silver coynes in all tyme

Fol. 143, b.

heerafter or at the least till suche tyme as your Majestie sall give order to the contrarie, if yow sould thinke fitt to raise the silver and make it in proportioun with the gold upon report of these commissioners whome your Majestie hes appointed (heere in England) to consider of the fitnesse of that mater. In the meane tyme for the reasons above named the said coynnage of small money would not be differed.

"The small money to be coynned is after this proportion. The English pond weight consisting of 12 oz. at 11d. fyne to be worth in worke 3 li 6 s. sterline. Upon this price shall be coynned peeces of 4, 2 and 1d. of 10 penny fyne shorne at 60 shillings in the said pound weight, to witt, 180 foure penny peeces, 360 twa penney peeces and 720 pennie peeces in the said pund weight, with the ordinarie remedeis of two penney weight upon the fynnesse and of three foure penney peeces, whiche is 4 pennie weight upon the tale for remedie upon the pound weight the 2d. and 1d. proportionably. The merchants sall have for the unce of silver of 11d fyne 5s. 4d. sterline and at this rate the rex dollers sall be takin frome the subject at 4s. 8d. and others coynes proportionablie to thair fynnesse. There will remaine upon everie pund weight of 10 dwt. fyne $21^{d}\ \frac{3}{4}\ \frac{1}{16}$ for the workmanship, waist in melting, fees, officers wages and others charges. It is to be considered that if the saids dollers wer to be reduced to the rate of 11d. fynnesse for the coynage of the saids small moneyes the charges in refynning would be too great and the losse of the subjects would be too muche and the sise of the peeces too small and not mainable for the use of the people. Besides the small coyne being a little lesse fyne than the great (and yitt not so muche as to make the excessive gayne to encourage to import and vent counterfoote in the kingdome) the difference in the fynness will be a meanes to keepe the said small coyne within the kingdome for the use of the subjects; and moreover in tyme comming there will be no want of forrane coyne at 10d. fyne at reasonable rates to serve for necessarie coynage of the said small money when it pleases your Majestie to give order for it. Quhilk missive and overtures being heard and consideritt be the saids Lords, they ordaine copeis thairof to be delyvered to the provest and bailleis of Edinburgh and Maister of his Majesteis Cunziehous to be advised therewith till the first Counsell day of November nixtocome."

"Forsameekle as the Kings Majestie out of his royall and princelie regarde of the weale of this his ancient kingdome, being carefull to foresee all occasiouns for preventing anie inconvenient that may come by

Act forbidding the leading of teinds in the current year except by such

persons as have been in the habit of leading them for some years past.

leading of teinds this yeere, his Majestie for this effect gave directioun to the Commissioners nominat be his Majestie for the treatie anent the Surrenders and Teinds to take some course that the heretours might have the teinds of thair awne lands according to the valuatiouns made or to be made, they paying or securing thair teindmaisters for the same, especially where the titular being callit wes found and declared to be in default of the not valuatiouns of teinds; quhairupon sindrie titulars and heretours being lawfullie conveenned before the saids commissioners and they having takin tryell in some particulars concerning this bussines, a part of thame hes been discust, bot the shortnesse of tyme and manie great occasions of his Majesteis effaires and service in the meane tyme interveenning, impeded and stayed the Commissioners to discusse all the citatiouns and warnings givin to that dyet. And whereas some mistaking might be apprehendit be his Majesteis subjects of his Majesteis gracious and royall intentioun anent the mater of the teinds, as if his Majestie intendit that everie heretour should leade his teinds without respect to the valuatiouns and in whois default the not valuatiouns hes proceedit, thairfoir the Lords of Secreit Counsell, for preventing of suche mistakings and for cleering of his Majesteis subjects of thair doubts in this point, hes thought meit heirby to signifie and declare that nane of his Majesteis subjects whatsomever ar warranted by his Majestie to leade thair teinds this present yeare bot suche as hes beene in use of leading thir diverse yeares bygane and hes beene heard before the saids Commissioners and by thame hes beene allowed to doe the same. And thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdom and other places neidfull that nane of thame presoome nor take upon hand to leade thair teinds this present yeere except suche persouns as hes beene in use of leading thair teinds thir diverse yeeres bygane and suche as hes beene warranted be the saids Commissioners to do the same, they fulfilling to the titulars the conditiouns prescryved unto thame, under all highest pane, cryme and offence that they may incurre aganis his Majestie in that behalf, and to be callit, persewed and punished as disturbers of the publict peace and quyetnes of the kingdome." Acts, June 1632-June 1634. Fol. 143, b. Fol. 144, a.

Anent Hamburg and Captain Robertson.

"Ane missive frome his Majestie anent the Hamburgers and Captane Robertsone." Sederunt, November 1629-January 1635. Fol. 87, a.

Holyrood House, 27th July 1632. Letter of Council to Lord Lorne anent a poor woman whose brother has been murdered and whose goods have been stolen.

"After our verie heartilie commendatiouns. This poore woman, Marion Stewart, hes long attendit heere craving justice for the foule murder of her brother and restitutioun of her goods tane fra herselffe be way of stouthreaffe, and she is now come to this point that she is content both to submitt the murder of her brother and the reaving of her to the Laird of Achinbreck and Coline Campbell of Barbreck and to M^r^ Deanald M^c^Ilvorie and Hew Camroun, ministers. And seing we have beene long importunned be her, as your lordship knowes, and that she is Royal Letters, 1623-33. Fol. 211, a.

Royal Letters, 1623-33. Fol. 211, a.

ane poore miserable creature whois conditioun is to be pitied, we have thairfoir thought meit to recommend her and this her offer of submissioun unto your lordship, earnestlie requeisting your lordship to take some doing therein for the poore woman her reasonable satisfactioun, as we be no forder impesched nor troubled with her. And so with the remembrance of our best affectiouns, committing your lordship to the protectioun of God, we rest, etc. Halyrudhous, 27 July, 1632. *Subscribitur*, Geo: Cancell., Hadintoun, Wintoun, Roxburgh, Buccleuche, Areskine, Melvill."

Fol. 213, a.

"CHARLES R., Right, etc. Whereas our trustie and weilbelovit Lieutennent Colonell M^cDougall hes caused move us in behalfe of our brother, the King of Sweden, for our licence to levey two hundreth men in that our kingdome for his service in the warres, to the effect all expeditioun be used for furthering him therein, our pleasure is that with diligence yow grant unto him ane sufficient warrand with als ample commissioun for leveying and transporting the saids two hundreth men as heeretofore hes beene grantit to anie, and to that effect that yow grant licence to towcke drummes, he alwayes giving suche satisfactioun to everie one of that nomber as he and they sall condescend upoun according to the forme accustomed; for doing quhairof these presents sall be your warrand. So we bid yow farewell. Frome our Court at Oatlands, the 29 day of July, 1632."

Oatlands, 29th July 1632. Letter from his Majesty anent the raising of 200 men for service under the King of Sweden.

Acta, June 1632-June 1634. Fol. 144, a.

Sederunt—Chancellor; Mar; Wintoun; Linlithgow; Wigtoun; Tullibardin; Roxburgh; Buccleuche; Annerdaill; Dumblane; Iles; Areskine; Naper; Melvill; Secretary; Advocate; Sir John Scot; Sir James Baillie.

Holyrood House, 31st July 1632.

"Anent our soverane lords letters direct makand mentioun, Forsameekle as Patrik Con of Achry, being removed out of this kingdome for his obstinat refuisall to conforme himselfe to the religioun presentlie profest within the same, and he being under band not to have returned without his Majesteis licence, he upon some sinistrous informatiouns hes procured his Majesteis warrand and licence for his returne, and now being returned, hes never acknowledged the Lords of Privie Counsell nor produced and shawin his warrand to thame, bot remaines publictlie and avowedlie in the countrie, to the contempt of his Majesteis Counsell; and anent the charge givin to the said Patrik Con to have compeired, brought and exhibite his said warrand before the Lords of Privie Counsell this present day to have beene seene and considderit be the saids Lords and to have underlyne suche order as sould be tane thereanent, under the pane of rebellioun, etc., with certificatioun, etc., lykas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof: Quhilks being callit and the said Patrik Con compeirand personallie, who produced and exhibite before the saids Lords ane warrand grantit be his Majestie

Fol. 144, b.

Anent Patrick Con, an exiled Papist, who had returned to the kingdom and had failed to report himself to the Council.

to him for his remaining within this kingdome and following out of his bussines for the space of ane whole yeere after the dait of the said warrand, quhilk is of the 28 day of October 1631; quhilk warrand being seene and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell allowes to the said Patrik Con to bruike the benefite of his said warrand for the space therein conteanit, he carying himselfe modestlie without offence or scandall and forbearing the ressett of jesuits, seminarie and messe preists, wherein if he faillie, the warrand to be null." Acta, June 1632-June 1634. Fol. 144, b.

Letter from his Majesty enclosing papers from the City of Hamburg anent Captain Robertson and the letters of reprisal granted by his Majesty to the representative of the said Captain.

See *ante*, p. 490.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and trustie and weilbelovit counsellours, we greit yow weil. Whereas upon humble complaint exhibite unto us by Captain David Robertsone of the great injureis and losses he had susteanned of the Hamburgers in his goods and losse of sindrie of our subjects lyves, we wer pleased to direct our letters to that state craving redresse thairof, and after returne of thair answere, having sent it unto yow and receaved your opinioun concerning it, finding that justice was ather denyed or delayed, we wer pleased to grant letters of reprisall thereupon whairby some shippes and goods wer takin whiche ar now in that our kingdome. And now that state of Hamburg having sent thither commissioners to us who pretend that justice was nather denyed nor protracted, bot that they ar willing still to administer justice for repairing the losse susteanned according to the custome of natiouns in that kynde, desyring that the letters of reprisall may be recalled and the shippes and goods restored, we have thought good to send yow heirwith the substance of that whiche they have propounded in thair papers, requiring yow to consider thairof and to informe your selfes of the particular proceedings formerlie in that bussines whairupon the letters of reprisall wer grantit and to certifie us thairof with your further opinioun what may be most fitting, that we may returne suche answere to that state as may be most agreable to reasoun and justice. We bid you farewell. From our Court at Oatlands, the 14 of July, 1632. Quhilk missive being read, heard and considderit be the saids Lords and they advised therewith the saids Lords ordains ane missive to be writtin to his Majestie, showing thair proceedings in this mater and the reasons whereupon they wer moved to grant letters of reprisall to the said Captane Robertsone." Fol. 145, a.

Letter from his Majesty requiring the Council to assist the Earl of Tullibardin in composing the disputes of the Grants.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours,

Acta, June 1632-June 1634. Fol. 145, a.

and right trustie and weilbelovit counsellours, we greit yow weill. Whereas our right trustie and weilbelovit cousine and counsellour, the Erle of Tullibardin, being to repaire to that our kingdome and to those parts where these of the name of Grant resides, we for the better settling of our peace there by causing remove in a faire and quyet maner, without further danger of law or trouble to our subjects, all suche differences as ar amongst these of that name, have to that effect required him to informe himselffe of the grounds thereof and the best way how they may be composed, and therein to use his best endeavoures or at least to certifie us of the estait wherein they now stand. Thairfoir we have thought fitt to recommend unto yow to give unto the said Erle all suche furtherance whiche yow sall finde that he sall lawfullie and necessarilie require to that purpose; quhairof not doubting of your performance, we bid yow farewell. From our mannour of Greenewiche, the 27 of June, 1632. Quhilk missive being heard and considderit be the saids Lords, they ordaine missives to be writtin to the Lord Lovat, the Laird of Inneis and Baron of Kilraack to assist the said Erle to the effect conteanit in his Majesteis letter foresaid."

Fol. 145, b.

"The Lords of Secreit Counsell allowes to Alaster Grant, prisouner in the tolbuith of Edinburgh, the libertie of ane free warder to the effect that lawyers and ministers may have accesse to him for what may concerne his lawfull defences aganis the tyme of his tryell, and that no others be permitted to speeke with him." Licence to Alaster Grant to see ministers and counsel.

"The Lords of Secreit Counsell assignes the nixt Counsell day to the Erles of Roxburgh and Buccleuche for giving in ane note under thair hands of suche lands and teinds whairof they renunce anie right they can clame be the forefaltour of the lait Erle of Bothuell." The Earls of Roxburgh and Buccleuch and the lands of the forfeited Earl of Bothwell.

"The whilk day M^r Williame Struthers, ane of the ministers of Edinburgh, compeirand personallie before the Lords of Privie Counsell exhibite before thame twa letters from the ministers of the Over and Neather Palatinat bearing the recept of ane thowsand punds sterline, quhilk wes collected here and putt over by exchange to thame be Maister Callendrine in England, and quhilk wes distribute amongs the saids ministers according to thair severall conditiouns and necessiteis; quhilks letters wer givin up to the said M^r Williame to be registrat be him in the synodall and presbyteriall bookes." Two letters from the ministers of the Palatinate presented to the Council by Mr. William Struthers, one of the ministers of Edinburgh.

"The whilk day James Dumbar of Boigis wes thought fitt be the Lords of Privie Counsell to be shireff of Murrey for the ensewing yeere, and commissioun ordained to be past to him for that effect." James Dunbar of Boigis appointed Sheriff of Moray.

"Forsameekle as the Lords of Secreit Counsell, having by warrand and directioun from the King's Majestie appointed ane voluntar contribution and collectioun to be made throughout the severall presbytereis of this kingdome for releefe of the distrest ministers of the Palatinat, and the moneyes contributed and collected for this earand being appointed to be delyvered to the moderator of each presbyterie, who wer ordained Charge to the moderators of presbyteries to send the contributions collected for the ministers of the Palatinate to the per-

sons appointed to receive the same.

to bring or to caus send in the same to Williame Gray and George Suttie, merchants, burgesses of Edinburgh, as persouns thoght fittest be the saids Lords to caus delyverie to be made of the same be exchange to the saids distrest ministers; and the saids Lords being informed that the subjects hes verie freelie and frankelie extendit thair benevolence in this so important and necessar a caus and putt the same in the hands of the moderators of the presbytereis; and the saids Lords looking that thir moderators sould have made ane faithfull and tymous returne of the moneyes contributed and delyvered unto thame, nevertheles a great manie of the saids moderators hes made no returne at all of anie part of the saids moneyes delyvered unto thame bot still keepes and deteanes the same in thair hands, disappointing thereby the saids distrest ministers of the comfort and releefe quhilk they expected frome this kingdome, to the great disgrace of the same; thairfoir ordains letters to be direct charging the haill moderators of the presbytereis within this kingdome to use thair best endeavoures and diligence for collecting and ingaddering the moneyes contributed within thair presbytereis and to bring or caus the same be sent in and delyvered to the saids Williame Gray and George Suttie within fyftene dayes after the charge, under the pane of rebellioun; and if they failyie to denunce, etc., and to escheat, etc."

Acta, June 1632-June 1634. Fol. 145, b.

Fol. 146, a.

Charge to the magistrates of Edinburgh to postpone the execution of Alaster Grant till his Majesty's pleasure be known regarding the said Alaster.

"The whilk day the Lords of Secreit Counsell according to ane warrand and directioun in writt signed be the Kings Majestie and this day exhibite before thame, ordains and commands the provest and bailleis of Edinburgh to continew the executioun of the sentence of death, if anie sall be givin aganis Alaster Grant at the dyet appointed for his tryell, till his Majesteis further pleasure be knowne concerning him; for doing whairof the extract of this act sall be to the saids provest and bailleis ane sufficient warrand and discharge. Followes his Majesteis missive for warrand of the act abonewrittin:—

Letter from his Majesty anent Alaster Grant.

CHARLES R., Right trustie and weilbelovit cousine and counsellour, Whereas the first of August ensewing is appointed by our former warrand in our letters to our Counsell there for the tryell of Alaster Grant, these ar to require yow to continew the executioun of the sentence, if anie sall be givin aganis him, till our further pleasure sall be made knowne, and that yow signifie this our pleasure to the Lords of our Counsell or whome it may concerne for this effect after the tryell but not before; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Denmarke Hous, the 29 of June, 1632."

Anent pirates in the Firth of Forth.

"The Lords of Secreit Counsell allowes and ordains his Majesteis Deputie Thesaurar to furnishe moneyes to the Admirall towards the outred of some shipps of warre for persewing of pyrats within the firth of Forth."

Holyrood House, 31st July 1632. John M'Leod of Harris.

"The quhilk day Johne M^cCloud of Hereis compeired before the Counsell for obedience of the act quhairby he is bound for his yeerelie compeirance."

Sederunts, November 1629-January 1635. Fol. 87, b.

Royal Letters, 1623-33. Fol. 211, a.

"It may please your good lordships. We have this day receaved informatioun frome the Lord Admirall of this kingdome and others that there is a pirat verie latelie come in within S^t^ Georges Channell and now is lying neere unto the Kyles of Boote neere the Ile of Arran, having three ships quhairof the admirall carieth 20 peece of ordinance, the viceadmirall ten peece, and the pinnace foure small peece, and that they lye there in a verie privat place endeavouring to vent thair commoditeis in this kingdome; for whiche purpose they have sent in some of thair messingers to the toune of Dumbartane and others touns thairabout to make it knowne that they are loadned with Spanish cloaths, camacks and Holland cloath, gold lace, salt and manie other riche commoditeis in great quantitie whiche they desire may be bought be the inhabitants of these touns and countrie about, weill knowing that the Fol. 211, b. westerne touns of this kingdome bordering upoun the said S^t^ Georges Channell hath no shipping able to impede thair trading or to meddle with thair ships; and in regarde the said ships ar richlie loadned and have beene at sea these three yeeres committing piracie as we ar crediblie informed and perhaps may be gone before we ar able to send about shipping frome the east firth to encounter with thame, the voyage being both long and requyring manie severall winds, and also we being now presentlie about the imploying of our shippes aganis some Dunkirkers who doe ly about our said east firth committing spoyle upon his Majesteis good subjects traffiquing to and frome this kingdome, we thairfoir ar heirby bold to intreate your lordships to send out suche of his Majesteis shipping as ar there at Dubline togidder with anie suche other shipping as may be fitt for that service, quhairin we ar of opinioun they may gane a verie good pryze and doe verie acceptable service to his Majestie and free his Majesteis good subjects frome thair latelie conceaved feares of these shippes whiche now doe terrifie all passagers to pas betweene this kingdome of Scotland and that of Ireland; and quhen so ever the lyke caise sall heerafter happin to occurre in anie place of that kingdome of Ireland we sall ever be readie to contribute our best endeavoures as becometh, etc. Halyrudhous, *ultimo* July, 1632. *Subscribitur*, Dupline, Mar, Wintoun, Linlithgow, Wigtoun, Tullibardin, Roxburgh, Buccleuche, Annerdaill, Areskine, Dumblane, Iles, Melvill, Naper, Arch. Achesoun, Scottistarvett."

Holyrood House, 31st July 1632. Letter of Council to the Chancellor and the Treasurer of Ireland anent three pirate-ships now in the Kyles of Bute.

Fol. 212, a.

"Most sacred Soverane. This day compeired before us ane commissioner from the Diocesan Assemblie of Aberdein and exhibited unto us certane greevances of the said Assemblie concerning the proud contempt of some obstinat excommunicat papists, who being denunced your Majesteis rebells and removed out of the kingdome for that caus have procured licences to returne for a short space, quhairin they are alledged to live more scandalouslie than before; and the said commissioners humble desire wes that we would send up the saids greevances to your most sacred Majestie. We having heard and considderit thair petitioun and

Holyrood House, 31st July 1632. Letter of Council to his Majesty enclosing grievances of the Diocesan Assembly of Aberdeen against returned Papists.

desire in this point have thought it our dewtie to send up the saids greevances to your Majestie and will humbelie intreate your Majestie, after consideratioun thairof, to returne unto us the significatioun of your royall will and pleasure thereanent; and so, etc. *Subscribitur*, Dupline, Mar, Wintoun, Linlithgow, Wigtoun, Roxburgh, Tullibardin, Buccleuche, Annerdaill, Naper, Arch. Achesoun. Halyrudhous, *ultimo* July, 1632." Royal Letters, 1623-33. Fol. 212, a.

Holyrood House, 31st July 1632. Letter of Council to his Majesty anent Robert Livingston to whom his Majesty had granted protection.

"Most sacred Soverane, We have of lait receaved a letter frome your Majestie requiring the passing a signature of protectioun under your Majesteis great seale of this your ancient kingdome unto one Robert Livingstoun for two yeeres, the same having no claus astricting him to pay the annuelrents of his debts during the said protectioun, bot in regarde the said signature of protectioun may prove ineffectual to the partie and unfitt to be upon record and under seale for so long a tyme, others being apt to sue for the lyke heerafter, we have thairfore thought it our dewteis carefullie to provyde for the said Robert Livingstouns safetie according to your Majesteis gracious intentioun towards him bot in suche a faire maner as his creditours may be easilie enduced to acquiesce thairunto, they being satisfied of thair annuelrents, as use is, in suche caises. For all others kynds of protectiouns ar so farre aganis the lawes and statuts of this your Majesteis ancient kingdome and so fully declared by Act of Parliament to be null and ineffectuall to the parteis as all your Majesteis judges within this your said kingdome ar thairby expresselie commanded to proceid and doe justice to all parteis as if suche protectiouns had never beene granted nor produced. We humbelie beseeke your Majestie in your high judgement to take this particular into your princelie consideratioun that quhensoever anie suche mater sall occur heereafter by the importunitie of suters your Majestie may be graciouslie pleased to provide for the indemnitie of your Majesteis good subjects and the reputatioun of your Majesteis judges and ministers of justice, who ar muche looked to in the mater of protectiouns; and so, etc. Halyrudhous, *ultimo* July, 1632. *Subscribitur ut supra.*"

Holyrood House, 1st August 1632.

Sederunt—Wintoun; Bishop of Dumblane; Bishop of the Yles; Lord Naper; Tracquair; Sir Archibald Achesoun; Scotistarvet. Sederunts, November 1629-January 1635. Fol. 88, a.

[No record of business.]

Holyrood House, 1st August 1632. Letter of Council to the Lord Lovat, Laird of Innes, and Baron of Kilravock, requiring them to assist the Earl of Tullibardine in

"After our verie heartilie commendatiouns to your good lordship. Whereas it hes pleased the Kings Majestie to require the Erle of Tullibardin, who is to repair to these bounds in the north where these of the name of Grant doe reside for the better sattling of his Majesteis peace there and removing of the differences among these of that name, to informe himselfe of the grounds thereof and the best way how they may be composed and therein to use his best endeavoures, and we being confident of your lordships honnorable and worthie dispositioun to Royal Letters, 1623-33. Fol. 211, b.

Royal Letters, 1623-33. Fol. 211, b. promove and further ane purpose of this kynde, so farre tending to the peace of the countrie, these ar thairfoir to will and require your good lordship to concurre and assist the said Erle by your best advice and counsell in composing and sattling the differences standing betuix these of the name of Grant and to use your best endeavoures for that effect. Quhairin not doubting of your care and diligence in this mater as yow Fol. 212, a. respect the peace and quyetnes of the countrie, we committ your lordship to God. Frome Halyrudhous, the first of August, 1632. *Subscribitur*, Wintoun, Dumblane, Iles, Naper, Arch. Achesoun, Scottistarvet." composing the disputes of the Grants.

Acta, June 1632-June 1634. Fol. 146, b.

[No record of Sederunt.]

Holyrood House, 3rd August 1632. Charge to the Magistrates of Edinburgh to appear before the Council at 3 o'clock in the afternoon anent a dispute between the said magistrates and Patrick Drummond, Conservator.

"Forsameekle as the Lords of Secreit Counsell ar informed that upon occasioun of some contraverseis accidentallie fallin [out] betuix Nicoll Udward, burgess of Edinburgh, and M^r^ Patrik Drummound, Conservatour, whereanent not onelie the said Nicoll, bot also the provest, bailleis, counsell and communitie of the said burgh ar said to have conceaved indignatioun aganis the said Conservatour, quhairby forder inconveniences ar lyke to ensew to the breake of his Majesteis peace; for remeid whairof the Lords of Privie Counsell ordains ane maisser of Counsell to pas and charge the said Nicoll Udwart and the provest and bailleis of the counsell of Edinburgh for thameselffes and as representing the bodie and communitie of the said burgh, as also the said M^r^ Patrik Drummond, personallie if they can be apprehendit, and failyeing thairof at the mercat croce of Edinburgh, to compeir personallie before the saids Lords this present thrid day of August instant at three in the afternoone at his Majesteis palace of Halyrudhous to underly suche order as sall be tane with thame for keeping of his Majesteis peace and removing of all occasiouns that may procure the disturbance thairof, under the pane of rebellioun, etc., with certificatioun, etc. Lykeas the saids Lords declares that the charge to be givin to thame be the space of ane houre before the said houre of compeirance [becaus the saids parteis ar knowne to be in the burgh] sall be ane sufficient ground whairupon letters of horning sall be direct in caise of dissobedience."

Sederunt—Treasurer; Privy Seal; Wintoun; Tracquair; Sir Archibald Achesone; Sir John Scot; Sir James Baillie. Holyrood House, 16th August 1632.

Warrant to William Newport to raise 1500 men to fill up the ranks of three Scottish regiments serving in the Low Countries.

"Forsameekle as our soverane lord his good freinds and allyaes, the Estaits of the United Provinces, hes be thair ambassaders [*sic*] humbelie requested his Majesteis licence for leveying certane recrues of men for suppleing the wants of the regiments of this kingdome serving under the saids Estats, thairfoir the Lords of Secreit Counsell, according to ane Fol. 147, a. warrand and directioun in writt signed be the Kings Majestie and this day exhibite unto thame, gives and grants full power, warrand and com-

missioun to Williame Newport, and to suche persoun and persouns as sall be nominat be him, to levey and take up fyve hundreth men for everie one of the three Scotish regiments serving under the saids Estats, in whatsomever parts of this kingdome where they may be had, and of suche persons as will willinglie enter in that service, and to transport thame frome hence towards the saids United Provinces for suppleing of the wants of the saids three regiments; and for this effect to caus towcke drummes and to doe all and everie other thing whiche towards the leveying and transporting of the saids fyftene hundreth men is necessar and requisite: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin: Commanding heirby all his Majesteis shireffs, stewarts, provests and bailleis within burgh and all others his Majesteis officiars and magistrats to burgh and land to concurre and assist the said Williame Newport and the persouns to be nominat be him in all and every thing tending to the leveying and transporting of the nomber of men abonewrittin, and to doe nor attempt nothing to thair hinder, as they and every ane of them will answere upon the contrair at thair perrell. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas our good freinds and allyaes, the Estats of the United Provinces, have by thair ambassader with us humbelie requested our licence for leveying of certane recrues of men for suppleing the wants of the regiments of these our two kingdomes serving under thame, to whiche purpose, having alreadie givin order for the leveying heere of fyve hundreth men for everie ane of the foure regiments of the English, and being willing that they have the like supplee frome thence proportionable to the nomber of the regiments of that our kingdome, our pleasure is that with all diligence yow grant unto suche as sall be deputed by the saids Estats ane sufficient warrand with als ample commissioun for leveying there and transporting frome thence fyve hundreth men for everie ane of the three regiments of Scotts as heirtofore hath beene grantit, and to that effect that yow give licence to towcke drwmmes; the saids persons so deputed by the Estats giving alwayes suche satisfactioun to everie ane of that nomber as sall be mutuallie condescended upon according to the forme accustomed. For doing whairof these presents sall be your warrand. We bid yow heartilie farewell. Frome our Court at Oatlands, the last day of Julij, 1632."

Acta, June 1632-June 1634. Fol. 147, a.

Fol. 147, b.

Holyrood House, 16th August 1632. Alexander Home.

"The quhilk day Alexander Home actit himselfe to compeir before the Counsell upon the fyft day of September under the pane of a thowsand punds."

Sederunts, November 1629-January 1635. Fol. 88, a.

Holyrood House, 5th September 1632.

Sederunt—Mortoun, Treasurer; Stratherne, Præses; Privy Seal; Mairshell; Wintoun; Linlithgow; Roxburgh; Buccleuche;

Acta, June 1632-June 1634. Fol. 148, a.

Acta, June 1632-June 1634. Fol. 148, a.

Lauderdaill; Bishop of Dumblane; Lord Areskine; Melvill; Naper; Tracquair; Secretary; Advocate; Sir James Baillie.

The Earls of Roxburgh and Buccleuch and the lands of the forfeited Earl of Bothwell.

"The Lords of Secreit Counsell continues the dyet assigned to the Erles of Roxburgh and Buccleuche for giving in under thair hands the names of suche lands and teinds whairof they renunce anie richt they can clame to the same by the forefaltour of the lait Erle of Bothuell, till the morne, the saxt of this instant."

Acceptance of sheriffships.

"The whilk day the persouns particularlie underwrittin, compeirand personallie before the Lords of Privie Counsell, accepted upon thame the office of shirefship within the shirefdomes underwrittin and gave thair oaths for faithfull administratioun thairof; they ar to say, Sir George Forrester of Corstorphine accepted upon him the shirefship of Edinburgh; Patrik Mauld of Panmure accepted upon him the shirefship of Forfar; Sir Alexander Nisbit of that Ilke accepted upon him the shirefship of Beruick; Thomas Dalyell of Manerstoun accepted upon him the shirefship of Linlithgow; James Carmichaell of that Ilke accepted upon him the shirefship of Lanerk; Sir Johne Murrey of Philiphauche accepted upon him the shirefship of Selkirk; Robert Crichtoun of Ryhill accepted upon him the shirefship of Dumfreis; Edward Johnestoun of Newbie accepted upon him the stewartrie of Anner[daill]; and James Chalmers of Gatgirth accepted upon him the shirefship of Air."

Commission of Sheriffship of Moray granted to James Dunbar of Boigis.

"Forsameekle as the commissioun of shirefship grantit to Alexander Dumbar of Grange within the bounds of Elgine and Forres is now expired upon the first day of August last, and the Lords of Secreit Counsell understanding the good and worthie dispositioun of James Dumbar of Boigis towards the forderance and advancement of his Majesteis service and that he will behave himselfe with that respect quhilk is answerable to ane shireff within the bounds foresaidis, thairfoir the saids Lords hes made and constitute, and be the tennour heirof makes and constituts the said James Dumbar of Boigis shireff principall of the shirefdome of Elgine and Forres, and gives and grants unto him the office
Fol. 148, b. thairof with all fees, dewteis, escheits, unlawes and forefeyts belonging thereto siclyke and with als great freedome and auctoritie as anie his predicessours in the said office hes or might have lawfullie done at anie tyme heirtofore; shireff courts within the burrowes of Elgine and Forres and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme, hold and continew; sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise; for the same, if neid beis, to poind and distreinzie, and to proceed and minister justice in all and sindrie actiouns and causes criminall and civill proper and competent to the said shireff, and to give decreits and sentences thairupoun, and to cause the same decreits and sentences receave executioun accordinglie; breeves of our soverane lords Chancellarie of whatsomever nature direct and to be direct

to the said shireff to receave opin and caus be proclamed and accordinglie to be put to executioun; assyses and witnesses als oft as neid beis, ilke ane of thame under the usuall and accustomed panes to summound, warne, choose and cause be sworne; deputs under him in the said office with officiars, serjants, dempsters and all others officiars and members of court neidfull to make, create, substitute and ordane, for whome he sall be haldin to answer; with power alsua to the said shireff to aske, crave, receave, intromett with and uplift his Majesteis blenshe dewteis, castell wairds and others entreisses of free tennents within the bounds of the said shirefdome, and, if neid beis, to poynd and distreinzie thairfoir, and to make compt thairof in the Exchecker; and to receave the mustours and weapounshawings of the inhabitants within the said shirefdome at suche tymes as sall be appointed thereto be his Majesteis lawes and proclamatiouns, and to unlaw and punish the absents accordinglie, and to raise and conveene the inhabitants within the said shirefdome at all tymes and occasiouns neidful for the forderance and advancement of his Majesteis service and persute of his Majesteis tratours, rebellis and disobedient persouns; and generallie all and sindrie others things to doe, exerce and use quhilks ar proper and competent to the office of a shireff and quhilks of law and consuetude of this realme ar knowne to apperteane: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin. And ordains letters to be direct charging officiars of armes to pas and make publicatioun heirof at the mercat croces of Elgine and Forres and others places neidfull, whairthrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortifie and assist the said shireff and his deputs in all things tending to the executioun of this commissioun, and to doe nor attempt nothing to thair prejudice nor hinder, as they and ilke ane of thame will answer to his Majesteis Counsell upon the contrarie at thair highest charge and perrell. This commission for the space of ane yeere nixt after the dait heirof but revocatioun to indure." Acta, June 1632-June 1634. Fol. 148, b.

Mr. James Cockburn continued in his office of sheriff-depute of Haddington.

"Forsameekle as Mr James Cockburne, shireff depute of the shirefdome of Hadintoun, hes exercised that office thir manie yeeres bygane both for the good of his Majesteis service in that kynde and to the good lyking of all his Majesteis subjects whome it did concerne, and his Majestie considdering that in regarde of his long practise in that service and sufficiencie otherwayes great prejudice would aryse therein and to his Majesteis subjects if he wer removed, thairfoir his Majestie with advice of the Lords of Privie Counsell hes made and constitute, and be thir presents makes and constitutes, the said Mr James Cockeburne shireff depute of the said shirefdome of Hadintoun and gives and committs to him the office thairof, with all fees, dewteis, escheats, unlawes and forefeyts belonging thairto, siclyke and with als great fredome and auctorite as the said Mr James or anie of his predecessours in the said Fol. 149, a.

Acta, June 1632-June 1634. Fol. 149, a.

office hes or might have lawfullie done at anie tyme heeretofore; shireff courts within the tolbuith of Hadintoun and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme" [and so on as in the foregoing commission of sheriffship], "and generallie all and sindrie others things to doe, exerce and use quhilks ar proper and

Fol. 149, b.

competent to the office of a shireff depute and whilks of law and consuetude of this realme ar knowne to apperteane: Firme and stable halding and to hald all and whatsomever things sall be lawfullie done heerin. This commissioun for the space of ane yeere nixt after the dait heirof but revocatioun to indure."

Letter from his Majesty containing the warrant for the above nomination.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of his Majesteis Privie Counsell anent the electing of M^r James Cockeburne to be shireff depute of the shirefdome of Hadintoun being presented to the said Lords and read in thair audience, and they acknowledging the choise made be his Majestie of the said M^r James for the office foresaid to be good, thairfoir in humble obedience to his Majesteis royall directioun they receaved and admitted the said M^r James to the office foresaid for the yeere to come and ordains his patent to be drawn up thereupon, and at the yeerelie electioun of the shireffs of the said shirefdome the saids Lords, according to his Majesteis directioun, ordains the said M^r James to be elected and continued in the said office. Lykeas he, being personallie present, accepted the said office of deputrie upon him for the yeere to come and gave his oath for faithfull administratioun thairof. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, we greit yow weill. Being informed that one M^r James Cockeburne, shireff depute of East Lothiane, hath exercised that office these manie yeeres bypast both for the good of our service in that kynde and to the good lyking of suche of our subjects whome it did concerne, and that in regarde of his long practise therein and sufficiencie otherwayes great prejudice would arise to our service and to our subjects if he wer removed, our pleasure is that at the yeerelie electioun of the shireffs there yow give order that he be elected and continued in that charge; whiche recommending to your care we bid yow heartilie farewell. Frome our Court at Oatlands, the last day of July, 1632."

Commission for taking the oaths of certain sheriffs, who were unable to appear before the Council to take the said oaths.

"The Lords of Secret Counsell considdering the necessar absence of Alexander Forbes of Pitsligo who is now nominat to be shireff principall of the shirefdome of Aberdein, and of Sir James Campbell of Lawers, who is now nominat to be shireff principall of the shirefdome of Perth, and of Walter M^cAwlay of Ardincaple, who is now nominat to be shireff principall of the shirefdome of Dumbartane for the yeere to come, and that they could not convenientlie compeir before the saids Lords this

Fol. 150, a.

present day to accept the office of shirefship within the bounds of the shirefdomes foresaids, thairfoir the saids Lords hes givin and grantit and

be the tennour heirof gives and grants full power, warrand and commissioun to George, Vicount of Dupline, Lord High Chancellor of this kingdome, to take the said Sir James Campbellis oath; and to Patrik, Bishop of Aberdein, to take the said Laird of Pitsligoes oath; and to Archibald, Lord of Lorne, to take the said Laird of Ardincaples oath, for faithfull discharge of the office of shirefship foresaid; and to make ane formall report thairof in writt to the saids Lords, to the effect the same may be insert and registrat in the bookes of Privie Counsell; quhereanent the extract of this act sall be to the said Lord Chanceller, Bishop of Aberdein and Lord of Lorne ane sufficient warrand." Acta, June 1632-June 1634. Fol. 150, a.

A similar commission.

"Forsameekle as the Lords of Privie Counsell have made choise of Sir Williame Cuninghame of Caprintoun to be baillie principall of the baillerie of Kylesteuart and regalitie of Newtoun, and of Thomas Fraser of Streachin to be shireff principall of the shirefdome of Innernes, and of James Dumbar of Boigis to be shireff principall of the shirefdome of Elgine and Forres for the yeere to come, who in regarde of thair absence at this tyme cannot compeir before the saids Lords to give thair oath for faithfull discharge of that office, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to James, Archbishop of Glasgow, to take the said Laird of Caprintouns oath; and to Patrik, Bishop of Rosse, to take the said Thomas [Fraser of] Streachin and James Dumbar thair oaths for faithfull discharge of the saids offices of baillerie and shirefship within the bounds foresaids, and to make ane formall report thairof in writt to the saids Lords, to the effect the same may be insert and registrat in the bookes of Privie Counsell, quhereanent thir presents sall be to the saids Archbishop and Bishop ane warrand."

Clais Miller, a pirate, to be delivered to the Lord High Admiral for examination.

"Forsameekle as the provest and bailleis of Dundie, having latelie takin in thair toun and committed to waird in thair tolbuith one Clais Miller alledged ane pyrat, and having since exhibite him before the Lords of Privie Counsell to abide his tryell and punishement; and the Lords of Privie Counsell, having advised what is fittest to be done with him, they have ordained and ordains him to be delyvered to the Lord Admirall to be examined and tryed be him to the intent the saids Lords upon report and consideratioun of the qualitie of the offence may give order for his punishement as accords. And the saids Lords finds and declares that the provest and bailleis of Dundie hes done good service to his Majestie and the Estait in the taking and exhibitioun of the said Clais in maner foresaid and allowes and approves thair service done thairin." Fol. 150, b.

Rentals of the kirks of the Abbacy of Kelso given in by the Earl of Roxburgh. [Omitted at its proper place in the Record.]

"Forsameekle as upon the sevintene day of July last Francis Steuart, sonne of the lait Erle of Bothuell, compeirand personallie before the Lords of Privie Counsell, declared that he wes content to referre to the oath of veritie of Robert, Erle of Roxburgh, the tacke dewteis and gressomes receaved by the said Erle for the teinds of the kirks of the Abbacie of Kelso Fol. 152, b.

Acta, June 1632-June 1634. Fol 152, b.

whairof he is not in possessioun by intromissioun with the teinds of the saids kirks and what tacks or other rights of the saids teinds the said Erle hes grantit since the tyme of the forefaltour of the last Erle of Bothuell; as also what the teinds of the saids kirks payed of old to the Abbots of Kelso and lait Erle of Bothuell, sua far as the said Erle knowes himselfe or can learne frome others. And siclyk the said Francis declared that the dewteis payable to the said Erle of Roxburgh furth of the kirklands of the said abbacie for what the said Erle possesses in the right of the forefaltour togidder with the gressomes receaved be the said Erle for and in satisfactioun of the right made be him of the saids lands sould in lyke manner be cleered and provin be the oath of veritie of the said Erle. And the said Erle compeirand this day before the saids Lords he gave in ane rentall of the kirks of the abbacie of Kelso whairof he is not in possessioun by intromissioun with the teinds thairof, as also the rentall of suche others kirks as ar now fallin into the said Erles hands and whairwith he wes not charged of before, togidder with the backbands of the haill kirks within the same abbacie; as alsua the few dewteis of the temporall lands of the said Abbacie not givin in be the said Erle in the former rentalls. Upon the quhilks rentalls and anent the truthe thairof the said Erle being sworne in presence of the said Francis he declared upon oath that according to his knowledge and the informatioun he hes had frome others the rentalls foresaids wer just and trew; and thairupon subscryved the same. With the whilk declaratioun sua made be the said Erle the said Francis Steuart being personallie present acquiesced and wes content. In respect whairof the saids Lords hes susteanned the saids rentalls and ordains the same to be receaved and stand in force aganis the said Francis, and to be exclusive of all after tryell and probatioun for the particular lands and teinds thairin conteanit."

Fol. 150, b.

Sederunt ut die superiore unacum Seafort.

Holyrood House, 6th September 1632. Anent the contribution for the ministers of the Palatinate.

"The whilk day M^r^ Williame Struthers, ane of the ministers of Edinburgh, compeirand personallie before the Lords of Privie Counsell, produced before the saids Lords twa catalogues, the one whairof conteanes the distributioun of sax hundreth and fiftie punds sterline amongs certane of the distrest ministers of the Palatinat, whilk wes made upon the 4th day of Julij last; the other catalogue conteanes the distributioun of ane hundreth and fiftie punds sterline amongs certane of the saids ministers. Lykeas also he produced ane acquittance and discharge made be ane nomber of the saids ministers to Monsieur Callandrine of the recept of the said soume of sax hundreth and fiftie punds sterline under the saids ministers thair hands of the dait at Noremberg the 29 day of Junij last Quhilks soumes of money wer collected heere and sent over by exchange be the said Monsieur Callandrine for releefe of the saids ministers.

Quhilks twa catalogues and discharges being seene and considderit be the saids Lords, the said Lords discharges the said Monsieur Callandrine and all others whome it concernes of the said soumes of 650 ℔, and ane hundreth fiftie punds sterline conteanned in the saids catalogues, and ordains the same catalogues and discharge to be delyvered up to the said Mr Williame Struthers to be registrat be him in the synodall and presbyteriall bookes." Acta, June 1632-June 1634. Fol. 150, b.

Anent the rentals of the Earldom of Bothwell and the Abbacy of Kelso.

"The Lords continewes the out giving of the extract of the processe tuicheing the tryell of the rentall of the erledome of Bothuell and Abbacie of Kelso till the same processe be first advised and report thairof made to his Majestie."

Letter from his Majesty anent the trial of Lord Ochiltree.

"The whilk day Williame, Erle of Stratherne, President of his Majesteis Counsell, exhibite to the Lords of Privie Counsell the missive letter underwrittin signed be the Kings Majestie and directed to the saids Lords tuicheing the course to be takin with the Lord Uchiltrie, as his Majestie hes imparted his royall pleasure thereanent to the said Erle of Stratherne. Quhilk being read and considderit be the saids Lords, they have ordained and ordains the same to be insert and registrat in the bookes of Privie Connsell, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. Having at this tyme amongst some other things concerning our service in that our kingdome imparted our mynde at lenth tuicheing the Lord Uchiltrie unto our right trustie and weilbelovit cousine and counsellour, the Erle of Stratherne, we have to that purpose givin directioun to him to signifie our pleasure unto yow, willing that suche ane course be takin with the said Lord Uchiltrie as the said Erle sall acquaint yow frome us. For doing whairof these presents sall be your warrand. Frome our Court at Oatlands, the last day of July, 1632." Fol. 151, a.

Postponement of the trial of Lord Ochiltree.

"The Lords of Secreit Counsell upon good considerations moving thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputs, to continew the dyet appointed for the tryell of the Lord Uchiltrie upon suche things as he is accused before thame till the nynt day of November nixtocome, quhereanent the extract of this act sall be to thame ane warrand."

Commission to Charles Dickson to make two new signets; one for the Privy Council and the other for the Session.

"Forsameekle as the Signets of his Majesteis Privie Counsell and Sessioun ar now be long use so worne and the impressioun become so smooth and bare as hardlie can it be knowne, thairfoir the Lords of Secreit Counsell ordains and commands Charles Dicksone, sinker of his Majesteis yrnes, to make and grave twa new signets, one for the Privie Counsell and one for the Sessioun, conforme to the twa old signets, and to delyver the saids twa signets to the present keepers of the same, and to breake and destroy the twa old signets in presence of the Maister of

Acta, June 1632-June 1634. Fol. 151, a.

his Majesteis Cunziehous so as no forder use be made of thame; quhereanent the extract of this act sall be to the said Charles ane warrand."

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Mr Johne Home of Carrelside and renunced and discharged, lykeas be the tennour of this present act he discharges and renunces, the letters of lawborrowes raised and execute at his instance agains James Naismith of Coldingknowes and Arthure Naismith in Quhytrig for finding of law souertie to him, and the cautioun found be thame conforme to the said charge, so that the saids letters and charge and cautioun found conforme thereto sall have na strenth, force, effect nor executioun aganis the saids James and Arthure Naismiths nor thair cautioners in favours or at the instance of the said Mr Johne Home his tennents nor servants at no tyme heerafter." Discharge of lawburrows by Mr. John Home to James Naismith and others.

Sederunts, November 1629-January 1635. Fol. 88, b.

"The quhilk day Mr Williame Struthers produced three catalogues bearing the distributioun of ane thowsand punds sterline amongs the distrest ministers of the Palatinat" [and so on as in the act *ante* p. 537]. The contribution to the Palatinate ministers.

"The Lords nominats and appoints the Bishop of Dumblane and the Lord Naper to call befor thame Mr William Oliphant and his creditouris and to deale and travell betuix thame for sattling thair differences and procuring thair consent to his libertie." Mr. William Oliphant and his creditors.

"The Lords, having seene and considderit the insufficiencie of the signet keeped be Mr James Gordoun and how that the same is worne and unfitt for signetting of letters, ordains Charles Dickesoun to make, grave and sinke a new signet, and, the same being made, that the old be brokin be the Maister of his Majesteis Cunziehous." Order for the making of two new signets.

Fol. 89, a.

"The quhilk day the tacke grantit be the Ladie Abiryeldie of her conjunct fee lands being produced before the Lords and considderit be thame they ordained the same to be cancelled be thame; quhilk wes accordinglie done in presence of the Counsell." The Lady Abergeldie.

Acta, June 1632-June 1634. Fol. 151, b.

Sederunt—Treasurer; Præses; Mairshell; Wintoun; Linlithgow; Roxburgh; Buccleuche; Areskine; Bishop of Dumblane; Lord Naper; Tracquair; Secretary; Advocate; Sir James Baillie. Holyrood House, 7th September 1632.

"The whilk day the Erles of Roxburgh and Buccleuch, compeirand, personallie before the Lords of Privie Counsell, consented judiciallie to the registratioun of the underwrittin declaratioun in the bookes of Secreit Counsell, of the whilk the tennour followes:—Declaratioun made be the Erles of Roxburgh and Buccleuche for satisfeing the desire of his Majesteis letter direct to the Lords of his Hienes Privie Counsell the 28 day of May, 1632, and of ane act of Secreit Counsell made thairupoun the fyft day of July, 1632 yeeres. The noblemen considering his Majesteis pleasure and the Lords of Secreit Counsell thair act of interlocquutour thairupoun, quhairby his Majestie desires and the Lords of Counsell finds that for suche lands and teinds as the noblemen possesses Declaration by the Earls of Roxburgh and Buccleuch by which they agree to renounce certain lands which they acquired through the forfeiture of the late Earl of Bothwell.

of the erledome of Bothuell and Abbacie of Kelso by ane good right preceeding the lait Erle of Bothuells forefaltour and Francis Steuarts inabilitie, they sall ather quyte the benefite of the said forefaltour to his Majestie *pro tanto* of that whilk is in contraversie, taking thame to thair uthers rights, or otherwayes that the same be valued and come under his Majesteis consideratioun with the rest, as the said missive letter and act beiris; and being most willing to satisfie his Majesteis royall desire and the Lords of Privie Counsell thair act thairupoun, be thir presents declares that for the lands and teinds after following they are content to quyte and be thir presents quytes the benefite of the forefaltour of the said umquhile lait Erle of Bothuell and of the act of the said Francis his inhabilitie to his Majestie in so farre as the said forefaltour and inabilitie may be extendit to the saids lands and teinds after specifeit allanerlie, and binds and obleisses thame and thair airis to denude thameselffes *omni habili modo* thairof in favours of his Hienes and his successours whensoever they or thair foresaids sall be required be his Majestie and his foresaids to that effect, and the saids noblemen takes thame to thair others rights whilks they have beside the right of the forefaltour and inhabilitie, quhilks others rights wer ather in thair awne persons or in the persoun of thair predecessours or authors before the forefaltour and inhabilitie foresaid,or since the forefaltour founded upon anie other ground by and beside the forefaltour and inhabilitie; with this conditioun, qualitie and provisioun and no otherwayes that they quite no wayes be thir presents the saids lands nor teinds nor possessioun thairof so far as they have right thereto *aliunde* nor the said forefaltour and inabilitie, nor that this declaratioun sall import to thame no prejudice nor sall be nawayes prejudiciall nor hurtfull to thair uthers rights whatsomever quhilks they have to the saids lands and teinds, and that notwithstanding of thir presents it sall be lawfull to the saids noblemen and thair airis peaceablie to possesse the saids lands and teinds be vertew of thair saids uthers rights so long as the same stands good and valiable be law and ar not evicted therein, quhilks sall na wayes be prejudged heirby, as said is. Thir ar the names of the lands and teinds whereanent this declaratioun is made, viz^{t}—for the said Erle of Roxburgh—the lands of Halydene, Huntliewood and Clarilaw with thair pertinents; the lands of Neather Anckrume with the mylne thairof and their pertinents; the lands of Hassindenbanke with their pertinents, and the patronage of the kirk of Lillislie, with the teinds of the same and thair pertinents, all lying within the shirefdome of Roxburgh. And for the said Erle of Buccleuche the haill kirklands belonging to the Abbacie of Jedburgh lying within the lordship of Liddisdaill, viz^{t} the lands of Dastounburne, Cleifhops, Over and Neather Syngdene, Huddishous, Orniscleuche, Quheilrig, Peill, Myredykes, Belsches, Portorlampet, Abbotshawes, with all and sindrie thair pertinents; and the teinds, personage and vicarage of the parish kirks of Ediltoun and Cassiltoun, the lands of Deidwater;

Acta, June 1632-June 1634. Fol. 151 b.

Fol. 152, a.

cta, June 32-June 34. ol. 152, a.

and siclyke the lands of Mangertoun and pertinents thairof; the lands and baronie of Woltoun with thair pendicles and pertinents, and the patronage of the kirk of Woltoun with the teinds thairof and pendicles of the said kirk callit the kirk of Borthuick and teinds of the same; the teinds personage and vicarage of the kirk of Hawick; all lying within the said shirefdome of Roxburgh. And for the mair securitie both the saids noblemen ar content and consents thir presents be registrat in the bookes of Secreit Counsell to remaine therein *ad futuram rei memoriam.* In witnes whairof they have subscryved thir presents with thair hands at Halyrudhous the sevint day of September the yeere of God j^{m}vj^{c} threttie twa yeeres, before thir witnesses, James and M^{r} Gilbert Prymroisses, clerkes of his Majesteis Privie Counsell. *Sic subscribitur.* ROXBURGH, BUCCLEUCHE, J. Prymrois, witnes; M. G. Prymerose, witnes."

ol. 153, a.

"The Lords of Secreit Counsell remitts to Johne, Lord Steuart of Tracquair, and thairwithall allowes him to give warrand for releasing fra waird of Marke, George and Williame Homes, present warders within the tolbuith of Edinburgh, for the insolence committed be thame aganis James Naismith of Coldingknowes and Arthure Naismith, according as the said Lord sall find thair behaviour to deserve and upon suche conditions as he sall thinke meit, for doing whairof thir presents sall be to him a warrand." The Homes of Coldenknowes to be freed from ward.

"The Lords of Secreit Counsell remitts to Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, the punishement of Clais Miller, alledgit pyrat, according to the merite of his fault." Clais Miller, the pirate.

ederunts, ovember 529-January 535. ol. 89, a.

"The Lords ordains the bailleis of the Cannogait to delyver William Home of Morestoun and to the bailleis of Edinburgh to be committed to waird quhill they be releeved be the Counsell." William Home of Moristoun and another to be warded.

"The quhilk day the commissioun for the fishing being produced wes read and allowed in Counsell and ordained to be exped the great seale, whiche is to be appended in the first place, and to be sent to England to the effect the great seale thairof may be appended in the secund place; and ordains his Majesteis Chanceller to append the great seale to the English commission in the secund place." Anent the commission for the fishing.

"Letters frome his Majestie for proclamatioun of the reserved places for fishing togidder with instructiouns concerning the fishing bussines, quhairof copeis wer ordained to be sent to some of the gentrie and burrowes to be advised with." Letter from his Majesty anent the fishing.

"Sir Johne Hamiltoun of Barganie to be writtin for anent the fishing of Ballintrae." The fishing of Ballantrae.

ol. 89, b.

"The nixt Counsell day appointed to be upon the 17 of October nixt, and the Counsellers present warned *apud acta*, to witt, the Thesaurar, President, Mairshell, Wintoun, Linlithgow, Roxburgh, Buccleuche, Areskine, Bishop of Dumblane, Naper, Tracquair, Sir Archibald Achesoun, Advocat, Sir James Baillie; and the remanent of the Counsell ordained to be writtin for." Next meeting of Council.

Holyrood House, 7th September 1632. Letter to Sir John Hamilton anent the fishing of Ballantrae.

"After our verie heartilie commendatiouns. Whereas among manie directiouns come doun frome his Majestie anent the societie and corporatioun for the commoun fishing there is one lykewayes anent the fishing of Ballintrae quhairin, becaus it wes conceaved that yow had some interesse, it wes thought meit that yow sould be heard therein; and thairfoir these ar to requeist and desire yow that yow faile not, all excuises sett aside, to make your addresse heere in dew tyme againe the 17 day of October nixtocome, quhilk is the peremptour dyet appointed for handling of that bussines of the fishing, and that yow come prepared to propone and alledge all that yow can anent that fishing of Ballintrae to the intent that order accordinglie may be tane thereanent; and so looking for your precise keeping of this dyet as yow respect his Majesteis service and your awne interesse, we committ yow to God. Frome Halyrudhous, the 7th of September, 1632. *Subscribitur*, Stratherne, Mairshell, Arch. Achesoun, S^r^ Thomas Hope." Royal Letters, 1623-33. Fol. 213, b.

Holyrood House, 7th September 1632. General letter to members of Council desiring their presence on the 17th of October anent the fishing.

"After our verie heartilie commendatiouns to your good lordship. Whereas his Majestie hes sent doun the chartours for the fishing with some instructiouns concerning the same whiche he hes seriouslie recommendit to the consideratioun of the Counsell, desiring to be certified of thair opinioun tuicheing the same with all convenient diligence, for whiche purpose and to the effect that these maters may be advisedlie handled there is a meeting of the Counsell appointed to be keeped heere upon the 17th of October nixt; and thairfoir these ar to requeist and desire your good lordship that yow faile not (all excuises sett aside) to keepe the said dyet preceislie, to the intent your lordship may concurre with the rest by your best advice for the right ordering of this bussines whiche his Majestie so earnestlie affects for the good of his dominiouns; quhairof resting assured we committ yow to God. Frome Halyrudhous, the 7th day of September, 1632. *Subscribitur*, Mortoun, Stratherne, Mairshell, Arch. Achesoun, S^r^ Thomas Hop."

Holyrood House, 7th September 1632. Letter to the Commissioners for the fishing desiring their presence before the Council on the 17th of October.

"After our verie heartilie commendatiouns. Whereas at the last Conventioun of the Estaits in the moneth of July, 1630, yow wes nominat to be one anent the treatie of the fishing, and whereas now there is some instructiouns come doun frome his Majestie concerning that bussines quhilk requires the presence and hearing not onelie of his Majesteis Counsell bot of all these who wer nominat be the commissioun to treate therein, there is therefore a meiting appointed to be keeped heere at Halyrudhous upon the 17 of October nixt, at quhilk tyme your presence being requisite and necessar, these ar thairfoir to requeist yow that yow faile not [all excuises sett aside] to keepe the same preceislie. We have heirwith sent to yow a copie of the instructiouns sent doun frome his Majestie concerning that bussines to the intent yow may be resolved of his Majesteis directiouns therein. And sua looking for your preceise keeping of this dyet, we committ yow to God. Frome Halyrudhous, the sevint day of September, 1632. *Subscribitur ut supra.* Fol. 214, a.

Acta, June 1632-June 1634. Fol. 153, a.

[No record of Sederunt.]

Holyrood House, 8th September 1632.

Charge to Robert Ker of Redpath, Patrick Hepburn, and John Crichton to appear before the Council and meanwhile to keep the peace.

"Forsameekle as there is some appearance of trouble lyke to fall out betuix Robert Ker of Ridpeth and Patrik Hepburne, sonne to Sir Patrik Hepburne of Barefute, on the ane part, and Johne Crichtoun, servitor to James Maxuell of Innerweik, on the other part, quhilk will not faile to produce forder inconveniences to the breake of his Majesteis peace without remeid be provydit; thairfoir ordains letters to be direct charging both the saids parteis to compeir before the saids Lords upon the sevintene day of October nixt to underly suche course and order as sall be tane with thame tuicheing the observing of his Majesteis peace and keeping of good rule and quyetnes in the countrie, under the pane of rebellioun, etc., with certificatioun, etc.; and in the meane tyme that they observe our soverane Lords peace and that they trouble not nor molest one another for quhatsomever deid, caus or occasioun otherwayes nor be order of law and justice; and that they direct nor accept no challenges one frome another; everie ane of thame under the pane of twa thowsand merkes; with certificatioun to thame that failyies in anie point of the premises that they sall be decerned to have incurred and to incurre the said pane of twa thowsand merkes, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis Thesaurar, Deputie Thesaurar and Receavers of his Majesteis Rents in his Majesteis name and to his Majesteis use in forme as effeiris."

Fol. 153, b.

Sederunt—Chancellor; Treasurer; Præses; Lorne; Tracquair; Secretary; Advocate.

Perth, 21st September 1632.

Warrant to John, Lord Stewart of Traquair to stack the corn of the lands of Lochhouse which is claimed by William, Viscount of Drumlanrig, and James Johnstone of that Ilk, respectively.

"Forsameekle as the Lords of Secreit Counsell ar informed that there is some appearance of trouble lyke to fall out betuix Williame, Vicount of Drumlanrig, on the ane part, and James Johnestoun of that Ilke, on the other part, anent the leading and intromissioun with the cornes of the lands of Lochhous for this present crop, 1632, whilk will not faile to produce forder inconvenients to the breake of his Majesteis peace without remeid be provydit; and the saids Lords being carefull to obviat and prevent all occasiouns of trouble in this mater for the good and peace of the countrie, thairfoir they have givin and grantit, and be the tennour heirof gives and grants, full power, auctoritie and commissioun, expresse bidding and charge to Johne, Lord Steuart of Tracquair, to leade and intromett with the cornes of the saids lands for this present crop, 1632, and to stacke and sequestrat the same in whatsomever place he sall thinke fitting upon the expenses of the selfe, there to remaine unintrometted with be either of the saids parteis untill it be decided be order of law who hes best right thereto: And ordains letters to be direct to command, charge and inhibite both the saids parteis that nane of thame

presoome nor take upon hand to meddle nor intromett with the cornes growing upon the saids lands for this present crop, 1632, bot that they suffer and permitt the said Lord Tracquair and his servants and others in his name peaceablie to leade, meddle and intromett with the saids cornes, and to sequestrat and stacke the same in maner foresaid, as they will answere upon the contrarie at thair highest charge and perrell." Acta, June 1632-June 1634. Fol. 153, b.

Holyrood House, 16th October 1632.

Sederunt—Stratherne; Tullibardine; Roxburgh; Annerdaill; Melvill; Tracquair; Secretary; Advocate. Fol. 155, a.

Proclamation for the apprehension of James Grant who has made his escape from Edinburgh Castle.

"Forsameekle as the tratour, James Grant, after manie treasonable and barbarous insolenceis committed be him upon diverse of his Majesteis good subjects to the offence of God, contempt of the law, disgrace of his Majesteis governement and hurt of his Majesteis said subjects, he wes at last in the verie course of his treasonable actiouns apprehended and exhibite before his Majesteis Counsell and committed to waird within the Castell of Edinburgh, where having remained a long tyme bygane and being conscious to himselfe of his undenyable guiltines of manie high and desperat treasons and fearing the event of his tryell he hes now at last, to crowne all his former misdemeanoures, latelie upon the fiftene day of October instant under silence of night brokin waird and escaped furth of the said castell, and be all appearance he is to make his addresse towards the north or some others parts of the Hielands, and there following the course of his former wicked and treasonable lyfe to doe what in him lyes to stirre up some new disorders and trouble to the disquyeting of the countrie. And to the intent that he may be the better knowne and that his Majesteis good subjects may thereby be the better forewarned to foresee thair awne danger if in anie caise they sall happin to resset or supplee him or be remisse and negligent in the persute and apprehension of him, thairfoir the Lords of Secreit Counsell hes heirby thought meit to descryve and sett out the pourtraite of his bodie as followes, to witt—a man of little stature, bald headed, braid faced, faire culloured, broun bairded, weake eyed, bow hoghed, fatt bellied and about fiftie yeeres of age: And ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to ressett, supplee nor intercommoun with the said James nor furnish him meate, drinke, hous, harberie nor no other thing confortable to him, nor to hyde and conceale him, bot that they and everie ane of thame make diligent inquyrie and searche for him and to seeke, follow and persew him be sea and land, with fire and sword, if he sall happin to be in thair bounds, and to take and apprehend him, if they be of power; and failyeing thairof to shoutt him and to raise the fray, and never to leave aff the Fol. 155, b.

Acts June 1632-June 1634. Fol. 155, b.

persute of him till he be apprehended and exhibite before his Majesteis Counsell. For the whilk purpose the saids Lords dispenses with all and whatsomever fire raising, slaughter and other inconvenients that sall happin to fall out in the persute of the said James: And siclyke to command, charge and inhibite all and sindrie maisters and awners of shippes and others vessells and all boatmen and ferriers that nane of thame presoome nor take upon hand to receave the said James in thair shippes, boats or vessellis, nor to transport him furth of this kingdome, nor yitt to carie him over ferreis nor frome ferrie to ferrie, under whatsomever cullour or pretext, under the pane of treasoun to be inflicted upon whatsomever persoun or persons who sall be remisse or negligent in executioun of anie point of this present proclamation: And siclyke to signifie and declare to all his Majesteis lieges and subjects that who ever will take and apprehend the said James and bring and exhibite him alyve to his Majesteis Counsell, or if he sall happin to be slaine in the taking, that will exhibite his head, that not onlie sall everie suche persoun or persons have his Majesteis gratious favour and pardoun grantit to thame for thair bygane ressett, supplee and assistance of the said James and offenees committed be thame, not being treasonable, bot with that they sall have the soume of fyve thowsand punds delyvered to thame in present and readie payment."

Royal Letters, 1623-33. Fol. 214, a.

"After our verie heartilie commendatiouns to your good lordship. Whereas the tratour James Grant hes latelie, upon the 15 of this instant, under silence of night brokin waird and escaped furth of the Castell of Edinburgh and hes thairby for a tyme prevented his just deserved punishement, and it being verie likelie that he sall make his addresse to some parts within your lordships bounds or under your lordships commandement where he will doe what in him lyes to stirre up some new disorders and troubles, to the disturbance of his Majesteis peace, we have thairfoir thought meit to give notice heirof unto your lordship and earnestlie to requeist your lordship to have a speciall care that the said James have no ressett, maintenance nor connivence within your lordships bounds nor within anie other part under your lordships commandement, bot that your lordship caus diligent inquyrie and searche to be made for him and that yow extend your best endeavoures for apprehensioun of him and exhibitioun of him to his tryell; quhairin as your lordship will doe unto his Majestie good and acceptable service so his Majestie will not be unmyndfull thairof on all interveening occasiouns concerning yow. And so committing your good lordship to the protectioun of God, we rest, etc. Halyrudhous, the 16 of October, 1632. *Subscribitur*, Chan^{r}, Mortoun, Stratherne, Roxburgh, Annerdaill, Melvill, Tracquair, Arch. Achesoun, Sir Thomas Hop."

Holyrood House, 16th October 1632. Letter of Council to the Marquis of Huntly, the Earl of Murray, Lord Lorne, Grant, Glenmoriston, and Ballindalloch, desiring them to apprehend James Grant.

Fol. 214, b.

"It may please your good lordship. This 15th of October a notorious rebell, callit James Grant, hes made ane escape out of the Castell of Edinburgh by night tyme and is supposed to have made his way to

Holyrood House, 16th October [1632]. Letter to the

Earl of Antrim, and the Viscounts of Clanboy and Aird, anent James Grant.

Portpatrick of intentioun to gett over into your bounds where he had wount formerlie to resort; we have published ane proclamatioun aganis his harborers and releevers proposing ane large rewarde for his apprehensioun and we have thought it our dewtie to send yow a copie of the said proclamatioun with our heartilie intreatie to carefully advert unto his repairing into that kingdome that his Majesteis officers about yow may by yow bestirre thameselffes for his apprehensioun with confidence of payment of the said rewarde besides his Majesteis thankes, whiche no doubt will be graciouslie vouchesafed upon the apprehenders as the instruments imployed by your lordship, as one whome his Majestie muche trusteth in that kingdome, and whois services undoubtedlie will receive thair owne dew respects frome your lordships gracious maister and ours. And so recommending this particular to your lordships care and heartie circumspection, we take our leave, etc. Halyrudhous, 16 *Octobris. Subscribitur ut supra.*" Royal Letters. 1623-33. Fol. 214, b.

Holyrood House, 16th October [1632]. Letter of Council to the Justices of Ireland anent James Grant.

"It may please your good lordships. This 15th of October a notorious rebell, callit James Grant, hath made ane escape out of his Majesteis Castell of Edinburgh and is supposed to have made his way into that kingdome of Ireland, where he hes some freinds in the north about the county of Antrim; we have thought it our dewtie to acquaint your lordships with the bussines as a mater highlie concerning his Majesteis service that howie and cry may be raised after him within that kingdome for his apprehensioun, a large rewarde being proposed by proclamatioun, quhairof we doe heerewith send your lordships a copie for the parteis encouragement in the said service. We doe heartilie pray your lordships to give suche order as the severall shireffs and justices of peace in the severall shires of that kingdome may carefullie give directiouns to all the head constables of shires and pittie constables of burrowes and parishes to take exact examinatioun of all suche strangers as sall happin to resort within thair severall limits and to apprehend anie suche stranger as hes the severall markes designed as markes of the said James Grant and conteanned in the said proclamatioun. So reposing muche trust and confidence in your lordships sedulous care in this bussines and being confident that his sacred Majestie will take speciall notice of your endeavoures heerin, we take leave, etc. Halyrudhous, 16 *Octobris.*" Fol. 215, a.

Holyrood House, 17th October 1632.

Sederunt—Chancellor; Treasurer; S^t^ Andrewes; Stratherne; Mairshell; Wintoun; Wigtoun; Tullibardin; Roxburgh; Gallouay; Seafort; Annerdaill; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Melvill, Tracquair; Master of Elphinstoun; Secretary; Advocate; Sir James Baillie. Acta June 1632-June 1634. Fol. 155, b.

The meeting anent the fishing.

"The whilk day the noblemen and commissioners for the barons and burrowes who wer writtin for to this dyet anent the mater of the fishing being callit, there compeired a nomber of the noblemen sett doun in the

Acta June 1632-June 1634. Fol. 155, b.

sederunt foresaid, and for the barons there compeired onelie Sir James McGill of Cranstoun Riddill; and for the burrowes there compeired onelie Alexander Clerk, provest of Edinburgh, James Watsoun in St Andrewes, Gabriel Cuninghame in Glasgow, John McKesone in Craill and Alexander in Anstruther. And there being ane particular meeting of the burrowes heere anent thair awne effaires, they all compeired with the commissioners who wer writtin for to this dyet.

Fol. 156, a.

"The occasioun of this meiting being at lenth propouned and shawin first be the Lord Chanceller and than be the Lords Thesaurar and President and with what tender and princelie regarde his Majestie affected the weale of this his ancient kingdome and how that for this effect his Majestie assisted with his royall presence at a nomber of the meitings quhilks wer had for the treatie anent the fishing, and how that at all these meitings his Majestie ever exprest his royall and singular care both of the honnour, credite and good of this kingdome:

The great interest his Majesty had shown anent the fishing.

"Thereafter the burrowes wer desired to condescend upon these parts and places in the Yles and continent where plantatioun for the fishing would be most usefull and necessar, conforme to the instructiouns sent doun be his Majestie quhairof copeis wer sent both to the burrowes and gentrie. They shunned the geving of ane direct answere to this propositioun, alledging that they could not resolve therein till first they understood what noblemen, barons, gentlemen and burrowes would joyne with thame in the mater of the fishing Quhairupoun the burrowes wer ordained to consider of the instructiouns for the fishing and to report thair answere concerning the same the morne in the forenoone."

Answer of the burghs anent the places suitable for fishing stations.

"The quhilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the said Lords and read in thair audience, of the quhilk the tennour followes:—

Letter from his Majesty desiring that in the future erection of free burghs no privileges be conferred on them which are an invasion of the privileges of royal burghs.

CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we ar informed that diverse priviledges and liberteis have beene grantit to our free burghs of that our ancient kingdome by diverse of our royall progenitours whiche thereafter wer confirmed unto thame by severall acts of Parliament, for whiche they ar subject to the payment of our taxations and diverse services tending to the publict good, whereunto no other burghes being tyed, ar discharged by speciall acts of Parliament to injoy the like priviledges; which being willing to conserve from tyme to tyme for the use of our saids free burghes in so farre as is agreable to our saids lawes, our pleasure is that in the erectioun of all burghes of baronie heerafter there be no further libertie grantit to thame in any patent than by the lawes of that our kingdome is competent to ane burgh of baronie, and that nane of thame heerafter be erected with anie priviledges whiche by the lawes and statuts of that kingdome ar onlie proper to our burghes

Fol. 156, b.

royall. Whiche recommending to your care, we bid yow farewell.

Frome our Court at Oatlands, the last of July, 1632. Quhilk letter being considderit be the saids Lords they ordained the said letter to be insert and registrat in the bookes of Privie Counsell and Exchecker and extracts thairof to be givin to the commissioners of the signet to the intent they may conveene before thame the writters to the signet and seales and intimat to thame his Majesteis royall pleasure and directioun in this mater, that nane of thame presoome heerafter to insert in anie signature of erectioun of a burgh of baronie anie farther libertie than by the lawes of this kingdome is competent to ane burgh of baronie; and that no priviledges quhilks by the lawes and statuts of this kingdome ar onelie proper to royall burrowes be insert or writtin be thame in anie patent of ane burgh of baronie; as the saids writters will answere upon the contrarie upon the perrell of thair offices." Acta June 1632-June 1634. Fol. 156, b.

Letter from his Majesty desiring that the monopoly of the pearl fishing granted to Robert Buchan be revoked and that henceforth all the lieges may be at liberty to fish for pearls.

"The whilk day the missive letter underwrittin signed be the Kings Majestie wes presented to the Lords of Secreit Counsell and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we ar crediblie informed that it was compleanned upon at the last Conventioun of the Estats of that our kingdome that contrarie to the lawes and customes thairof one, Robert Buchan, under cullour of preserving our waters frome unseasonable fishing for pearle and increassing our yeerelie revenewes, had procured ane patent whereby he appropriats the whole benefite thairof unto himselfe, wherein we respecting the ancient custome and lawes of that kingdome and preferring the generall good of the publict to our awne particular pretended interest or the ends of anie privat persoun, our pleasure is that yow call the said Buchan before yow and discharge his patent and all further prosecutioun thereby; causing publishe by proclamatioun that all our subjects have libertie freelie to fishe and take pearle in all rivers and waters of that our kingdome in all tyme coming; and that no other patents be exped heerupon thereafter; for whiche these presents shall be your warrand. We bid you heartilie farewell. Frome our Court at Oatlands, the last of July, 1632. Quhilk letter being heard and considderit be the saids Lords they ordaine the said Robert to be charged to compeir before the saids Lords to heare and see the desire of the said letter granted."

Letter from his Majesty anent the prices charged by maltsmen.

"The whilk day the said letter underwrittin signed be the Kings Majestie wes presented to the Lords of Privie Counsell and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we ar informed that it wes carefullie provided by diverse acts of Parliament in the tyme of diverse our royall progenitours that the maltmen in these tymes wer restrained to ane Fol. 157, a.

Acta June 1632-June 1634. Fol. 157, a.

certain quantitie of victuall or prices in selling thair malt, whiche they wer not to transgresse, as by the acts may appeare; but by reasoun of the long tyme since these statuts wer made the prices of all things ar muche changed, so that it is thought necessarie for reformatioun of the present abusses committed be maltmen to the great prejudice of the publict good that new orders and prices according to the tymes be established and new penalteis be prescribed to be inflicted upon the delinquents; our pleasure is that, having considderit of the saids acts, yow give order for the prices in tyme comming to be takin be the maltmen betweene the boll of barley and the boll of malt, prescribing penalteis in caise of dissobedience in suche maner as yow sall thinke fitt and as may be most agreable to the prices of the present tymes; whereupon we will yow to caus make ane act of Counsell till further order be takin [if yow sall find it expedient] in our next Parliament; and in the meane tyme that the executioun of the former acts in so farre as doeth concerne the saids prices sall ceasse in all tyme comming, without prejudice alwayes of the bygane escapes of the saids acts when we sall be pleased to call for thame. We bid yow heartilie farewell. Frome our Court at Oatlands, the last of July, 1632. Quhilk letter being heard and considderit be the saids Lords and they advised therewith, the saids Lords ordains the said letter to be insert and registrat in the bookes of Privie Counsell, and conforme to his Majesteis directioun mentiouned in the said letter the saids Lords ordains the executioun of the former acts in so farre as concernes the prices foresaids to ceasse in tyme comming, without prejudice of the bygane escapes of the saids acts when his Majestie sall be pleased to call for thame. And the saids Lords continewes the setting doun of new prices whill the moneth of November nixt."

Fol. 157, b.

Letter from his Majesty anent the charge given by the Council to the Marquis of Huntly to present Finlay M'Grinnan, a rebel.

"The whilk day the missive letter underwrittin signed be the Kings Majestie wes presentit to the Lords of Privie Counsell and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. We ar informed that our right trustie and weilbelovit cousine and counsellour, the Marqueis of Huntlie, is charged for presenting before yow one Finlay McGrinnan, rebell, who had secreitlie abandouned the kingdome before, wherein though we doubt not bot that yow have some good considderatiouns moving yow to take that course, yitt upon humble motioun made unto us in his behalfe that, seing hardlie the said rebell can be brought backe (it being uncertane to what part abroad he is gone), he will oblige himselfe to exhibite him if at anie tyme heerafter he sall happin to returne to this our kingdome; whiche, conceaving to be reasonable, we thinke fitt (unlesse there be some speciall reasoun to the contrarie) to accept of his offer and to that effect that yow authorize him, if neid beis, or the Vicount of Aboyne, his sonne, with what warrand or commissioun yow sall thinke fitt to that purpose,

taking of thame suche suretie as yow sall find expedient; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Oatlands, the last day of July, 1632. Quhilk missive being heard and considderit be the saids Lords and they advised therewith they ordaine Johne Grant, appearand of Ballindallach, to be warned to heare the desire of the said missive grantit." Acta June 1632-June 1634. Fol. 157, b.

Letter from his Majesty desiring that Sir Patrick Hepburn of Wauchtoun be relieved for a year of the sheriffship of Haddington.

"The whilk day the missive letter underwrittin signed be the Kings Majestie wes presentit to the Lords of Secreit Counsell and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas humble sute hath beene made unto us by Sir Patrik Hepburne of Wauchtoun, knight, that in respect of bussines speciallie concerning the settling of his estait and others his necessarie and lawfull effaires some suche able and sufficient persoun be made choice of by yow as yow sall thinke fitt for suppleing of his charge of shireff of the constabularie of Hadintoun for this yeere, becaus some of his bussines have been imparted unto us quhairby we conceave his demand to be reasonable; our pleasure is that yow exoner him of that charge for this yeere by settling of some sufficient and able persoun in his place, for whiche these presents sall be your warrand. We bid yow heartilie farewell. Frome our honnour of Hamptoun Court, 3 October, 1632. Quhilk letter being read, heard and considderit be the saids Lords and they advised therewith, the saids Lords hes exonered and releeved and be the tennour heirof exoners and releeves the said Sir Patrik Hepburne of the office foresaid; and hes made choice of Sir Patrik Murrey of Elibanke, knight, to be shireff principall of the constabularie of Hadintoun for the yeere to come." Fol. 158, a.

Sir Patrick Murray of Elibank accepts the sheriffship of Haddington for the ensuing year.

"The quhilk day in presence of the Lords of Secreit Counsell compeared personallie Sir Patrik Murrey of Elibanke, knight, and accepted upon him the office of shirefship for the constabularie of Hadintoun for the yeere to come, and gave his oath for faithfull administratioun thairof."

Act of Council on the declaration of the Constable of the Castle of Edinburgh and the keeper of James Grant anent the escape of the said James.

"The Lords of Secreit Counsell having heard the relatioun made be M^{r} Archibald Haldane, constable of the Castell of Edinburgh, and Alexander Waterstoun, keeper of James Grant, who wes prisouner in the said castell, tuicheing the maner of the said James his escape furth of the said castell, the saids Lords finds that there hes beene ane verie great oversight and negligence committed in the keeping of the said James, and that he hes not been so narrowlie and carefullie looked unto nor keeped so closelie and surelie as the directioun givin to that effect. For the quhilk the saids Lords ordains the said M^{r} Archibald to find cautioun and souertie actit in the bookes of Secreit Counsell that he sall compeir personallie before the saids Lords when ever he sall be lawfullie charged to that effect and answere to suche things as sall be demanded of him

Acta June 1632-June 1634. Fol. 158, a.

tuicheing the escape of the said James, under the pane of ten thowsand punds. And ordains the said Alexander Waterstoun to be committed close prisouner in the tolbuith of Edinburgh therein to remaine upon his awne expenses ay and whill he be fred and releeved be the saids Lords."

Caution by Sir Patrick Hepburn of Wauchton for Mr. Archibald Haldane, Constable of the Castle of Edinburgh.

Fol. 158, b.

"The whilk day in the presence of the Lords of Secreit Counsell compeired personallie Sir Patrik Hepburne of Wauchton, knight, and became actit and obleist as cautiouner and souertie for M^r^ Archibald Halden, constable of the Castell of Edinburgh, that the said M^r^ Archibald sall compeir personallie before the Lords of Privie Counsell when ever he sall be lawfullie charged to that effect, and answer to suche things as sall be demanded of him tuicheing the escape of James Grant furth of the said castell, under the pane of ten thowsand punds."

Holyrood House, 17th October 1632. Anent James Grant and his keeper.

Sederunts, November 1629-January 1635. Fol. 90, a.

"James Grant his bastard sone, callit George Grant, about 20 yeeres of age, and Patrik M^c^Kenzie, about 15 yeeres of age, wer the boyes that attendit upon James Grant, and who upoun Sunday last between sevin and eight caried a hacquebut to Leith whiche they brought to James Gordoun, notar, his spous, upon Saturday last, and whiche George alledged that James Grant had bought frome Alexander Waterstoun, his keeper, to be sent to a freind."

Acta June 1632-June 1634. Fol. 158, b.

Sederunt ut die prædicto unacum Carnegie.

Holyrood House, 18th October 1632. Answers of the burghs anent the most commodious stations for the fishing.

"The whilk day the commissioners for the burrowes compeirand personallie before the Lords of Secreit Counsell and being demanded if they wer now prepared and ready to give an answere to the article propouned unto thame anent the most fitt and commodious places for the plantatioun, they declared that they could not give answer thereanent till first they understood what noblemen, barrouns, gentlemen and burrowes would joyne with them in the mater of the fishing, and the drift of thair answere tended to this—That in all these places of the plantatioun there sould be ane reservatioun of the fishing to the natives allanerlie. Bot they being with good reasoun put aff this point as ane article that his Majestie would not yeeld unto, they then be thair petitioun craved ane warrand and commissioun frome this meeting to the commissioners of the said treatie for the part of this kingdome to interceed with his Majestie to extend his declaratioun anent the reserved places for the fishing to the seas lying betuix Buchannesse and Ridhead, at the least foure or fyve myles aff the coast lying betuix the saids points, as alsua to the loches of Lochtarbet, Lochstornway, Lochmade, Lochponte and upon the mayne of Lochbrome. The desire of this petitioun being considderit be the saids Lords the same wes upon verie good reasouns refuised, quhairof one reasoun wes that the noblemen who wer commissioners in that treatie and had dealt so faithfullie and honnourablie therein for the weale of the kingdome could not assist ane petitioun for recalling thair

awne doings. And the burrowes were remitted to use thair owne meanes to petitioun his Majestie thereanent. Acta June 1632-June 1634.

"Thereafter the burrowes gave in the note underwrittin conteaning commodious places for the plantatioun, quhairof the tennour followes:— Fol. 158, b.

Whereas there being remonstrance made to the Lords of his Majesteis most honnourable Privie Counsell showing the necessitie of the forder Fol. 159, a. enlargement of his Majesteis declaratiouns anent the places to be reserved for the natives of this kingdome wherein it wes desired that certane few loches, frome whence the haill fisher touns of this kingdome hes had thair lyffe and being, might be reserved to the use of the natives, quhilks places ar omitted furth of this declaratioun, it is declared that the places following of the yles and land foreagainst the same ar als commodious for the plantatioun, viz., *imprimis*, Lochsewart lying upon the south east end of the yle of the Lewes, being ane loch that goes ten or twelffe myles up in the land, whairof aucht myles ar navigable for shippes of greatest burdein and ane saulfe harberie wherein there hes beene twa or three hundreth shippes loadned with fishes in some yeeres; Lochlenrebus in the Lewes, ane commodious harberie both for shipping and fishing; Lochor in the Lewes, commodious both for shipping and fishing; Kilskeir upon the mayne, sometyme ane excellent fishing and ane receptacle for shippes of all burdein; Lochgar in the mayne, commodious for shipping and fishing; Lochhead upon the mayne, commodious for shipping and fishing; Lochurne in the Kyle, ane commodious place both for fishing and harbereis; with ane great nomber moe quhilk would require a long tyme to sett doun, the saids yles and mayne foreaganis the same abounding so muche in loches and harbereis.

"This wes answered as the former. Thereafter the burrowes being demanded what nomber of bushes or vessellis for bushing they wer able to reik out for the bushe fishing, they declared be way of discourse that for the present there wer 60 vessellis whairof some of twentie twnne the peece and some abone that past furth of the touns on the south and north coast; quhilk nomber wes farre inferiour to that whilk in preceeding yeeres went out of these bounds; and they declared that in the west countrie there would be aucht great shippes and 52 boats attending the shippes that went to the fishing."

Case of David Wallace, jailor of the Tolbooth of Dumfries, who had permitted Thomas Armstrong and Andrew Johnston to escape from the said prison.

"The whilk day in presence of the Lords of Secreit Counsell compeirit personallie Johne Geddes, ane of the bailleis of Dumfreis, and Johne Hairstanes, lait baillie of the said burgh, and exhibite before the saids Lords David Wallace, jaylour of the tolbuith of Dumfreis, who being examined anent the escape of Thomas Armestrang and Andrew Johne- Fol. 159, b. stoun, twa fugitive lymmars who wer apprehended be Robert Maxwell of Orchartoun and committed to waird within the said jayle, the saids Lords finds that there has been some negligence in the said jaylour in not dewtifull attending of the said jayle; for the better tryell quhairof the saids Lords ordains the provest and bailleis of Dumfreis to exhibite before the saids Lords upon the first day of November nixt the persouns

Acta, June 1632-June 1634. Fol. 159, b.

who wer appointed to watche and guard the said tolbuith, to the intent that the said David Wallace and they may be confronted and examined anent the escape of the saids lymmars, and suche forder order tane therein as the saids Lords shall thinke meit. And in the meane tyme ordains the said David Wallace to be committed to waird in the tolbuith of Edinburgh therein to remaine till the said day that he and the said watche may be confronted and examined as said is. Quhairof intimation wes made to the saids John Geddes and John Hairstanes to the intent no ignorance be pretendit heirof."

Royal Letters, 1623-33. Fol. 215, a.

"Most sacred Soverane, We have thought it our humble dewtie to advertise your Majestie that upon Mounday, the 15th of this instant October, before eight of the clocke at night the rebell, James Grant, did make ane escape out of your Majesteis Castell of Edinburgh; quhairupon immediatlie we did publishe a proclamatioun of howy and cry with a propositioun of 5000 lī. Scottish for his apprehensioun, and we have writtin letters to the Lords Justices of Ireland and the Erle of Antrym and the Vicounts of Airds and Clanboy to advert unto his landing in thair coasts as also diverse others letters to diverse noblemen and barons of this kingdome to make diligent searche for him in the severall shires quhair they doe live; and after examinatioun of the constable of the said castell and some of the warders and the keeper of the said rebell we have committed the keeper to closse prisoun within the Tolbuith of Edinburgh and putt the said constable upon verie good bonds to appeare when required; for albeit as yitt it doeth not appeare to us that anie of thame ar guiltie of a wilfull escape, yitt if a negligent escape sall happin to appeare upon further tryell and examinatioun the same may be punished according to the lawes and consuetude of your Majesteis kingdome. We cannot as yitt find out the trew way how the said rebell got out of his closse prisoun hous, quhilk wes locked upon him, except he had some fals keyes, quhairof he is reputed to have beene verie expert, bot it is certane that after he gott out of his prisoun he went over the castell at the weakest part thairof upon a roape quhilk he left hanging on the said wall; bot whiche way he went or whither he is gone we cannot as yitt learne bot sall not faile to use all diligence and circumspectioun for his apprehensioun in all the places of this kingdome, and if he sall happin to repaire unto either of your Majesteis kingdomes of England or Ireland, as is suspected, than your Majestie may be graciouslie pleased upon notice givin to direct suche a speedie course for his apprehensioun as may be most agreeable to the lawes and governement of these your Majesteis kingdomes, quhairby he may be remanded backe againe to this realme to receave his tryell, quhair he hes so highlie and treasounablie offended, that suche exemplarie punishement may be inflicted upon him as may terrifie all others from attempting the lyke hienes [*sic*] offences heerafter. So praying, etc. Halyrudhous, 18 *Octobris*, 1632. Dupline, Mortoun, Stratherne, Mershell, S^{t} Andrewes, Wintoun, Wigtoun, Tullibardin, Roxburgh, Galloway, Seafort, Annerdaill, Arch. Achesoun."

Holyrood House, 18th October 1632. Letter of Council to his Majesty communicating the escape of James Grant.

Fol. 215, b.

Holyrood House, 19th October 1632.

Sederunt ut die prædicto.

Acta, June 1632-June 1634. Fol. 159, b.

Act approving all the proceedings of the commission for the fishing.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Williame, Erle of Mortoun, Lord High Thesaurar of this kingdome, Williame, Erle of Stratherne, President of his Majesteis Counsell, Robert, Erle of Roxburgh, Sir Johne Hay, knight, and Mr George Fletcher, fyve of the commissioners nominat be the Kings Majestie for the treatie of ane Association for the fishing, and reported the forme and maner of thair proceedings in that commissioun and treatie concredite unto thame be thair commissioun under his Majesteis great seale, and with that declared that his Majestie out of his royall and princelie regarde of the honnour, credite and weale of this his ancient kingdome honnoured almost the haill meetings for this treatie with his royall presence. Quhilk report being heard and consideritt be the saids Lords and they weill advised therewith, the Lords of Secreit Counsell allowes and approves of the whole proceedings of the commissioners in this treatie and in everie branche, member and article of the same, and in all that hes proceedit and followed therein; and finds and declares that the whole commissioners who dealt in this treatie for the part of this kingdome hes verie honnourablie and faithfullie caried themselfes therein for the honnour, credite and weale of this kingdome, conforme to thair commissioun and instructiouns; and thairfoir exoners thame of all and everie thing that may be objected aganis thame anent this treatie." Fol. 160, a.

The commissioners for the burghs and the fishing of Ballantrae.

"The whilk day the commissioners for the burrowes being demanded what they had to say anent the fishing of Ballintrae, they declared that they had nothing for the present to say thereanent. And thairfoir the Lords of Secreit Counsell have ordained and ordains that nothing be done nor concluded anent that fishing whill Sir Johne Hamiltoun of Barganie be warned."[1]

Direction to the keeper of the Tolbooth of Edinburgh anent John Meldrum, his prisoner.

"The quhilk day the Lords of Secreit Counsell ordains Androw Quhyte, keeper of the tolbuith of Edinburgh, who wes personallie present, to use Johne Meldrum now prisouner in the said tolbuith with courtesie and favour in his bed and fire, and to suffer and permitt his wife to have accesse unto him at suche tymes as she sall require, and to remaine with him if she please for his better confort and service in his sickenesse."[2]

Petition by Francis Stewart, son to the Earl of Bothwell, anent his said father's forfeited estates.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Francis Steuart, sone to the lait Erle of Bothuell, and desired the renunciatioun made and subscryved be the Erles of Roxburgh and Buccleuche of the benefite of the forefaltour for suche lands and teinds as they bruicke be other good rights preceeding the forefaltour and the said Francis his inhabilitie might be also extendit to the possessioun acquired be the saids Erles be vertew of the forefaltour. Quhilk desire being heard and consideritt be the saids Lords and they being therewith

[1] This Act is dated 20th October in the Sederunts.

[2] This Act is dated 18th October in the Sederunts.

Acta, June 1632-June 1634. Fol. 160, a.

and with the renunciatioun foresaid weill advised, the saids Lords finds be interloquutour that the said renunciatioun in the termes as it is conceaved is rightlie sett doun."

Fol. 160, b.

Sederunt ut die prædicto.

Holyrood House, 20th October 1632.

Proclamation specifying the parts of the coast reserved for fishing only by natives of the parts specified.

"Forsameekle as after ane long tyme and manie meetings betuix the commissioners of both his Majesteis kingdomes of Scotland and England for ane generall Association for the fishing, whereat his Majestie, out of his royall and princelie regarde of the credite and weale of this his ancient kingdome, assisted for the most part himselfe in persoun, the bussines wes at last to his Majesteis great contentment concluded with mutuall consent, and chartours grantit be his Majestie to the Companie of the Generall Fishing of Great Britane and Ireland, quherein his Majestie hes givin libertie to fishe in the seas of all his Majesteis dominiouns, saving suche places as for the necessar use of the natives his Majestie sould particularlie reserve by his proclamatioun, as by the saids chartours may appeare. And his Majesty understanding that manie of his Majesteis subjects of this kingdome dwelling upon the bounds adjacent to the rivers and firths of Forth and Clyde have beene at all tymes heeretofore and still ar at some seasouns in the yeere cheefelie mainteanned by the fishings thairof as serving for thair necessarie use, so as they can hardlie subsist without the same, thairfoir it is his Majesteis expresse will and pleasure and his Majestie doeth heirby expresselie declare that nane by vertew of the generall associatioun for the said fishing sall fishe betweene S^{t} Tabsheid and Ridhead, or in anie place within that firth; and as for Clyde that nane fishe betweene the Mulles of Galloway and Kintyre or anie place within the same except the natives according to the ancient custome; and for this effect ordains letters to be direct charging officiars of armes to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamatioun to make publicatioun of this his Majesteis royall declaratioun, quhairthrow nane pretend ignorance of the same."

Proclamation against the importation of dollars.

"Forsameekle as the Lords of Secreit Counsell, having formerlie upon verie good advice and deliberatioun importing the credite and benefite of this kingdome maid by proclamatioun a verie strait restraint of importatioun of anie dollours be land within this kingdome and the receaving of anie dollours for coale and salt, after a precise terme appointed for that effect and now of a long tyme bygane, under the pane of confiscatioun of the saids dollours to his Majesteis use besides the forder punishement of the imbringers thairof and receavers of the same for coale or salt in thair persouns at the arbitrement of our Counsell, as in the proclamatiouns made to this effect and dewlie published at all places neidfull, whairthrow nane with reasoun can pretend ignorance thairof at lenth is conteanit; notwithstanding quhairof the importatioun of dollours be land and the

Fol. 161, a.

receaving of dollours for the price of coale and salt continewes als frequent and ordinar as at anie tyme preceeding the said proclamatioun, the persouns offending in this kynde preferring thair awin privat and unlawfull gayne both to conscience and thair dewtie and obedience to law: And whereas the presumptioun and hope of impunitie encourages thame to goe fordward in this unlawfull trade, so hurtfull and prejudiciall to the countrie and disgracefull to his Majesteis governement that forrane coyne sall have course and the countrie filled therewith at uncertane prices, weight and fynenesse bot at the appetite of the receaver and giver out thairof, thairfoir the Lords of Secreit Counsell hes heirby thought meit to signifie and declare that they will exemplarlie punishe all suche persoun or persouns as hes heeretofore presoomed or darre presoome heereafter to offend in the lyke kynde. And for this effect ordains letters to be direct to mak publicatioun heirof be opin proclamatioun at all places neidfull, whairthrow nane pretend ignorance of the same, and of new to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to import anie dollours be land nor to receave anie dollours for coale or salt at anie tyme after publicatioun heirof under pane of confiscatioun of the saids dollours to his Majesteis use and forder punishement of the persouns contraveening at the arbitrement of his Majesteis Counsell: Commanding heirby his Majesteis Thesaurar, Depute Thesaurar and Advocat to caus diligent inquyrie and searche to be made where and be whome anie dollours hes beene or sall be imported or receaved for the price of coale and salt and to call and conveene the persouns contraveening to thair tryell and to underly thair punishement conforme to this present proclamatioun as they will answer upon the dewtifull discharge of thair office." Acts, June 1632-June 1634. Fol. 161, a.

Holyrood House, 20th October 1632. Letter to his Majesty anent the two charters concerning the association for the fishing.

"Most sacred Soverane, We have receaved your Majesteis letter of the last of July, 1632, and according to your Majesteis commandements therein exprest we have caused seale the twa charters sent to us concerning the associatioun of the fishing in your Majesteis dominiouns and have placed the names of the Counsell and seales thairof in suche order as your Majestie hes beene graciouslie pleased to direct for preservatioun of the honnour and dignitie of this your Majesteis ancient kingdome, and we have givin order to redelyver the saids chartours so sealed to Sir John Hay, knight, to be presented to your Majestie and disposed of as in your Hienes princelie judgement may seeme fitting for continewing that great and royall worke of the fishing in your Majesteis saids dominiouns, quhairof all your Majesteis subjects ar infinitelie bound humbelie to acknowledge your Hienes great grace and favour and care of thair subsistence at home and imployments abroad for increasse of trading, shipping and seafaring men as the principall strenth of your Majesteis saids dominiouns. So praying, etc. Halyrudhous, 20 *Octobris*, 1632. Royal Letters, 1623-35. Fol. 215, b.

Royal Letters, 1623-33. Fol. 215, b. *Subscribitur*, Dupline, Mortoun, Mairshell, Wintoun, Wigtoun, Seafort, Annerdaill, Tracquair, Arch. Achesoun, S[r] Thomas Hop."

Fol. 216, a. "Most sacred Soverane, Your Majesteis letter of the 14th by the pacquet of the 20th we receaved upon the 27th of July concerning the complaint exhibite unto your Majestie by a commissioner frome the state of Hamborrow and ane copie of the letter sent to your Majestie frome the said state desiring the letters of reprisall grantit be your Majestie to Captane David Robertsoun to be recalled and the shippes takin be vertew thereof to be restored in respect that justice wes nather denyed nor delayed to the said Captane Robertsoun for redressing his wrongs and damages done to him by Alexander Longue and Michael Utenhold, citicens of the said toun. And we being inquired be your Majestie to informe our selffes of the particular former proceedings in that bussines quhairupoun the saids letters of reprisall wer grantit and to certifie your Majestie thereof togidder with our further opinioun what may be most fitting, quhairby your Majestie may returne suche answer to that state as may be most agreable in reasoun and justice, in humble obedience of your Majesteis said letter we did call for the copeis of the saids proceedings and have caused draw up a breefe relatioun thairof whiche we doe heerewith send to your sacred Majestie to be considered and disposed of as in your Majesteis high wisdome and judgement may seeme most fitting for redressing the dishonnour alledged done to your Majestie and the wrongs and losses susteanned by your Majesteis saids distressed subjects, of whome we humbelie pray your Majestie to have compassion so farre as your Hienes princelie justice may permitt. So referring ourselffes to the said breeffe relatioun signed by us we humbelie take our leave, and with our most humble and heartie prayers for your Majesteis long health and happines we sall ever remaine as becometh, etc. Halyrudhous, 20 *Octobris*. *Subscribitur*, Dupline, Mairshell, Mortoun, Wintoun, Seafort, Annandaill, Tracquair, S[r] Thomas Hope."

Holyrood House, 20th October 1632. Letter of Council to his Majesty anent the letters of reprisal granted to Captain Robertson against the town of Hamburg.

"A breeffe relatioun of the proceedings of the letters of reprisall grantit to Captane David Robertsoun and his partners.

Fol. 216, b. "Imprimis, we doe find that the said Captane Robertsoun did exhibite before us ane greevous complaint of the wrongs alledged done in September, 1628, by Alexander Longue and Michael Utenhold, citicens of Hamborrow, who, as he alledged, maymed, wounded and killed a nomber of his men, poysouned thair wounds, keeped himselffe prisouner and tooke frome him not onelie his awne ship bot also ane riche prize takin be him be vertew of your Majesteis commissioun and letters of mart, as also most disgracefullie did pull doun your Majesteis cullours and trode thame under foote and with lyke disgrace did deface your Majesteis armes whiche wer upon the sterne of the said ship, and uttered manie opprobrious words and contumelious speeches in contempt

Statement by the Council of the circumstances under which letters of reprisal against Hamburg were granted to Captain Robertson and afterwards to his representatives.

of your Majestie as in and by the said petitioun more at large wes exprest. Royal Letters, 1623-33. Fol. 216, b.

" And thairfoir by the said petitioun he, the said Captane Robertsoun, prayed for letters of reprisall aganis the citie of Hamborrow bot without having consideritt that letters of reprisall wer not grantable bot upon the denyall or delay of justice when demanded and thairfoir at the said Captans humble sute we sent the said petitioun to your Majesteis Secretarie, the Lord Vicount Stirline, to be shewed to your Majestie and withall we wrote to your Majestie in November, 1628, in the behalfe of the said Captane and his caus and thereby humbelie prayed your Majestie to give notice to the said state of Hamborrow of the wrongs done to the said Captane and how that your Majestie being sensible thairof could not in honnour and justice deny unto him letters of reprisall incaise they sould refuise or delay to make suche redresse and reparatioun as justice and equitie required.

" After your Majestie had perused the said complaint and our said letter your Majestie first caused examine the prooffes and witnesses upon oath in your Majesteis High Court of Admiralitie in England and thereafter your Majestie sent over the saids depositiouns under the seale of the said Admiralitie to the Senate of Hamborrow with your Majesteis owne royall letters of the 11th of May, 1629, requiring the said Senate to make restitutioun and satisfactioun within one moneth after the recept of your Majesteis saids letters whiche wer sollicited by your Majesteis Ambassadour, Sir Robert Anstruther, knight, to whome your Majestie then wrote for that purpose, bot in lieu of satisfactioun the Senat and Magistrats of the said citie wrote backe thair excuse to your Majestie by thair letter of the dait the 29 of July, 1629, quhairin they signified to your Majestie that the said Alexander Longue wes absent before the recept of your Majesteis saids letters and that they had communicated your Majesteis saids letters and the saids depositiouns to the said Michael Utenhold quhairby he might answer for himselfe and his said absent partner, Alexander Longue, and with all they did send unto your Majestie the supplicatioun made unto thame by the said Michael Utenhold togidder with his reprobatorialls made aganis the saids depositiouns of the witnesses of the said Captane Robertsoun; as also they signified to your Majestie that they had thair jurisdictioun frome the Emperour and wer governed by the Cæsarean lawes and thereby could not doe justice to the said Captane Robertsoun within so short a space as your Majestie desired bot promeist to doe justice with all expeditioun whensoever the said Captane Robertsoun sould send a procuratorie to persew the partie. After your Majestie had perused the said answer and the said Utenholds supplicatioun and reprobatorialls your Majestie did send the same to us with your Majesteis awne letter daited the 28 of December 1629, requyring us to grant letters of reprisall to the said Captane Robertsoun if it did appeare to us that justice had ather been denyed unto him or delayed. Fol. 217, a.

Royal Letters, 1623-33. Fol. 217, a.

"When we had considderit your Majesteis said letter and papers therewith sent we did perceave that though your Majestie had writtin both to your Ambassader and to the said Senate that justice might be done and restitutioun made within one moneth after the recept of your Majesteis letters yitt we being informed that nothing wes done by the Senate all that space and that the scope of the said Senats answer to your Majestie wes onelie to draw Captane Robertsoun to ane long and chargeable persute in Hamborrow notwithstanding that he had cleerilie provin his wrongs and damages in your Majesteis High Court of Admiralitie in England, as we wer informed, and notwithstanding that your Majestie had sent the saids prooffes and depositiouns under the seale

Fol. 217, b.

of the said Admiralitie to the said Senate, thairfoir upon the secund of Aprile, 1630, we ordained letters of reprisall to be passed to the said Captane David Robertsoun under the great seale and made ane act that the saids letters of reprisall sould be sent to your Majesteis selffe to be disposed of at your Majesteis awne pleasure, and upon the 3th of Aprile, 1630, we wrote ane letter to your Majestie with the saids letters of reprisall signifeing that we had forborne to delyver the same to the said Captane Robertsoun and had onelie sent the same to your Majestie that the Hamburgers might be the more easilie enduced to resolve upon some present course for satisfactioun to your Majesteis said heavilie distrest subject. Captane Robertsoun, who hes beene long neglected by Hamburgers, at last went to sea about July 1631 being three yeeres after he had receaved the saids wrongs, and the said Captane Robertsoun having deceassed without doing anie violence to the saids Hamburgers and without receaveing anie kynde of satisfactioun in his lyfetyme, your Majestie was petitiouned by his wedow and childrein and by his partners for new letters of reprisall, and upon thair petitioun your Majestie commiserating thair estait and great losses did by your royall others letters dated the 18 of Januarie last require us to renew the saids letters of reprisall in anie names they pleased, whiche we did accordinglie performe upon the 7th of Februarie last in the names of Captane Orrock and Captane Scot, and sent the same to your Majesteis owne selfe togidder with our letter dated the 9th of Februarie last, since whiche tyme we doe perceave some shippes of Hamborrow have been takin by thame and that some of the shippes and goods ar heere deteanned unjudged which we perceave to have beene the caus of the lait complaint exhibited to your Majestie by the said Commissioner of Hamburgh. And becaus the wynes and cornes which wer in the saids shippes wer spoyling and lyke to perish we gave order to your Majesteis Admirall to caus sell the same and to deposite the prices till your Majestie might be pleased to give further order.

Fol. 218, a.

"And this is the verie trew estait of our former proceedings in that bussines and we ar in hope and opinioun since the prooffes of Captane Robertsouns wrongs and losses wer certified by your Majestie to the State

of Hamborrow that the now commissioner of the said State hath authority and ought to offer and give satisfactioun to the parteis damnified, having now beene delayed by the space of three yeeres after your Majestie had required satisfactioun and after your Majestie had certified the said State that your Majestie would grant letters of reprisall if satisfactioun wer delayed one moneth after the recept of your Majesties saids letters of the 11th of May, 1629, and the satisfactioun being so made and givin your Majestie may thereafter call in the saids letters of reprisall which otherwayes may still trouble the said State of Hamborrow and thair subjects and putt the saids parteis to a great deal of more charges who almost alreadie ar undone for wanting of thair satisfactioun and much impoverished by setting furth shippes for recoverie of thair losses, which the said State may justlie lay upon the saids offenders whois goods they have under arreist, as by thair last letter to your Majestie of the 2th of Februarie last may appeare. All whiche we humbelie leave to your Majesteis most gracious and princelie consideratioun and wounted care of preserving all your Majesteis good subjects from wrong and violence." Royal Letters 1623-33. Fol. 218, a.

Holyrood House, 22nd October 1632.

Sederunt—Treasurer; Præses; Mairshell; Gallouay; Seafort; Lauderdaill; Carnegie; Tracquair; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 161, b.

The rentals of the Earl of Bothwell.

"The Lords of Secreit Counsell ordains the haill marginall minuts made before the tryell of the rentalls of the Erle of Bothuells estait by oath of partie to be delete in respect of the change of the probatioun."

The Earl of Roxburgh and the teinds of the forfeited Earl of Bothwell.

"The whilk day the Erle of Roxburgh promeist to give in to the Clerk of his Majesteis Privie Counsell under his hand ane note of the entreisses and gressomes receaved by him of these lands and teinds that he bruikes in the right of the forefaultour."

Holyrood House, 22nd October 1632. Francis Stewart appeals from the Council to his Majesty.

"The quhilk day Francis Stewart gave in to the Counsell ane protestatioun togidder with ane appellatioun frome the Counsell to the Kings Majestie." Sederunts, November 1629-January 1635. Fol. 90, b.

Holyrood House, 22nd October 1632. Letter of Council to the Justices of Peace of Yorkshire anent a Scottish ship which has been wrecked on the coast of the said shire.

"After our verie heartilie commendatiouns. We ar informed by George Aitkine of Underedge that his shippe, callit the Barbara of Dumbar, is cast away with her loading of timber upon the coast of England neere Rewkar in Yorkeshire as she wes coming home to this kingdome frome Norway, and that diverse people neere to the said coast hath intrometted with his timber and furnishing belonging to his said shippe, quhairof, the maister being drownned and the companie come home, the goods ar left in the hands of the intrometters therewith whois names he or his attorney will discover to yow. We thairfoir at the humble sute of the said George have thought fitt to recommend him and his said caus and losses unto the speciall care and justice of yow his Majesteis Justices of Peace within the said shire and to the Viceadmirall of the said place and others officers and magistrats whome his Majestie hes entrusted with the administratioun of speedie justice in suche caises, Royal Letters 1623-33. Fol. 218, a. Fol. 218, b.

Royal Letters, 1623-33. Vol. 218, b.

and we ar confident that the said George will receave satisfactioun at your hands as his report unto us may heerafter perswade us to afford the lyke heere whensoever occasioun may occurre, etc. Halyrudhous, 22 *Octobris*, 1632. *Subscribitur*, Mortoun, Stratherne, Mairshell, Roxburgh, Wintoun, Galloway, Seafort, Lauderdaill, Carnegie, Tracquair, Arch. Achesoun, S[r] Thomas Hop."

Holyrood House, 22nd October 1632. Letter from the Council to his Majesty denouncing the appeal of Francis Stewart.

"Most sacred Soverane. This 22 day of October instant having beene appointed by us for advising and expeding the caus betweene the Erles of Roxburgh and Buccleugh and Francis Stewart, conforme to your Majesteis former royall directiouns, and we having this day mett onelie for that purpose and as we wer sitting in Counsell the said Francis Stewart did exhibite unto us the within closed appellatioun or protestatioun signed with his hand, whiche as we conceave is so scandalous aganis the auctoritie of this table as we thought it our dewtie to remonstrat and represent the same to your Majesteis awne princelie censure as a mater taxing the whole bodie of your Majesteis Counsell of iniquitie and injustice after he had beene upon the 20th day of this moneth gentlie admonished to forbeare suche aspersiouns as deservedlie might enduce the Counsell to committ him to the Castell of Edinborrow untill your Majestie sould be pleased to release him againe; all whiche we humbelie leave to your Majesteis gracious consideratioun and further directiouns, and sall ever remaine, etc. Halyrudhous, 22 *Octobris*, 1632. *Subscribitur*, Mortoun, Stratherne, Mairshell, Galloway, Seafort, Lauderdaill, Carnegie, Tracquair, Arch. Achesoun, S[r] Thomas Hop."

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Bog of Gight, 27th October 1632. Letter from the Marquis of Huntly to the Council anent the wife of the escaped prisoner, James Grant.

"My verie honnourable good lords. I have receaved your lordships letter showing me of that tratour James Grant his escape, quhairof I am muche discontent, and desiring that he have no recept within my bounds, quhairof I sall have ane speciall care and have alreadie givin directioun throughout my haill bounds that he be no wayes resset therein; and if anie notice may be had of him that all expeditioun may be used for his apprehensioun. In the meane tyme this last night, being Fryday the 26 of this instant, that tratours wife did come where I have my present residence at the Bog and in a maner forced loodging to her selffe at my yett (upon quhat pretext I know not) whome I have now in keeping to see if she can anie wayes forder the tryell of her husbands present being or his breaking of waird; and if your lordships sall thinke expedient that she in these may be anie wayes stedable, upon your lordships advertisement I shall delyver her to the shireff of the nixt shire that accordinglie she may be transported south, or other wayes as your lordships sall thinke fitting she sall be sett free; and withall I assure your lordships that I sall leave nothing undone that lyeth in my power for apprehending of that villane if anie wayes he come in anie bounds perteaning to me, and not onelie in this [but in] anie other service that may yeeld his Majestie and your lordships contentment, your lordships sall alwayes find me,

etc. Boggeech, 27 *Octobris*, 1632. *Subscribitur*, Lordships most loving to serve yow, Huntlye." Royal Letters, 1623-33. Fol. 219, a.

Holyrood House, 1st November 1632.

Sederunt—Treasurer; Præses; Privy Seal; Roxburgh; Buccleuche; Annerdaill; Lauderdaill; Secretary; Clerk Register; Advocate; Sir James Baillie. Acta, June 1632-June 1634. Fol. 161, b.

Charge to John Carruthers to appear before the Council on the ground that he had seen the two escaped prisoners, Thomas Armstrong and Andrew Johnstone, and failed to seize them or report them.

"Forsameekle as the twa fugitive lymmars who latelie brake waird out of the jayle of Dumfreis, to witt, Thomas Armestrang and Androw Johnestoun, wer seene be Johne Carruthers of Ramerskaills going throw the water of Annand with the yrnes upon thame, and whereas he wes bound in the dewtie of ane good subject ather to have shouted thame or than to have followed thame and to have raised the fray he wes neglective both of the one and the other, and by his connivence and silence he gives ane verie great evidence that ather he hes foreknowne or ellis he hes lyked verie weill of thair escape, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Johne Carruthers and alsua George Rig, servant to the Vicount of Drumlanrig, to whome the said Johne Carruthers confest that he had seene the saids twa fugitive lymmars, to compeir personallie befoir the saids Lords upoun the twentie day of November instant to answer to the premisses and to underly suche order as sall be tane thereanent under the pane of rebellioun and putting of thame to the horne, with certificatioun, etc."

Charge to the provost and two bailies of Dumfries anent the two prisoners, Thomas Armstrong and Andrew Johnstone, who had escaped from the jail of the said burgh.

"The Lords of Secreit Counsell having at lenth heard M^r^ Johne Corsane, provest, James Maxuell, lait baillie, and Robert Richartsone, baillie of Dumfreis, anent the forme of the escape of Thomas Armestrang and Androw Johnestoun, twa fugitive lymmars out of the jayle of Dumfreis, and how that David Wallace, jaylour, wes discharged be the bailleis to suffer anie persouns to have accesse within the said jayle to the prisouners, for cleering of quhilk point the Lords ordains James Maxuell, Johne Hairstanes and Johne Geddes, bailleis of Dumfreis, to compeir befoir the saids Lords upoun the twentie day of November instant and to produce with thame the depositiouns of the warlocke who wes prisouner with the saids fugitives and escaped with thame, and if the said warlocke be not alreadie execute, ordains the provest and bailleis of Dumfreis to reexamine him tuicheing the maner and meanes of the saids prisouners thair escape, and continew his executioun till the day foresaid and till they gett ane new warrand in the contrarie; and ordains the saids provest and bailleis to be answerable for the exhibitioun of the three men that wer upon the watch that night that the prisouners escaped when they sall be callit for. And ordains the said David Wallace to find caution for his compeirance before the saids Lords the day foresaid under the pane of fyve hundreth merkes." Fol. 162, a.

Sederunts, November 1629-January 1635. Fol. 90, b. Fol. 91, a.

"A letter frome the Marqueis of Huntlie certifeing the Counsell of his taking of James Grants wife, and ansuer of thankes ordained to be returned to the Marqueis desiring him to send the wife to the Bishop of Aberdein to be examined be him tuicheing her knowledge of her husbands escape and who wes accessorie to the same, and what she knowes of his present being and where and in what places he lurkes or frequents; and a letter to the Bishop desiring him to examine the wife upon the particulars, and as he sall find caus ather to committ her and advertise the Counsell or otherwayes to sett her at libertie." Holyrood House, 1st November 1632. Letter of Council to be written to the Marquis of Huntly anent James Grant's wife. See *ante*, p. 561.

"William Wallace cautioner for his brother David, the jaylour, for his compeirance upon Tuisday come 15 dayes, under the pane of fyve hundreth merkes." Caution by William Wallace.

Royal Letters, 1623-33. Fol. 219, a.

"After our verie heartilie commendatiouns to your good lordship. We receaved your lordships letter shewing your lordships care and directiouns givin throughout your haill bounds towards the persute and apprehensioun of the tratour, James Grant, and how his wife is fallin in your lordships hands, quhairin we acknowledge that your lordship hes done good and acceptable service and for the quhilk we render unto your lordship heartie thankes; and being loathe to trouble your lordship with the exhibitioun of her heere we have thought meit that she sall be sent by your lordship to the Bishop of Aberdein to be examined be him upon suche interrogators as we have sent to him. And thairfoir these ar to requeist and desire your good lordship to caus send her under ane saulfe convoy to the said Bishop of Aberdein with convenient diligence; quhilk looking assuredlie your lordship will doe, and the rather that your lordship knowes of quhat importance this service is, we committ your lordship to the protectioun of God. From Halyrudhous, the first day of November, 1632. *Subscribitur*, Morton, Stratherne, Hadintoun, Roxburgh, Tracquair, Arch. Achesoun, S^r^ Thomas Hop." Holyrood House, 1st November 1632. Letter of Council to the Marquis of Huntly desiring him to send James Grant's wife to be examined by the Bishop of Aberdeen.

Fol. 219, b.

"After our verie heartie commendatiouns to your good lordship. We have heard by ane letter from the Marques of Huntlie how that his lordship hes latelie apprehended the wife of the tratour, James Grant, and hes her in his custodie, and it being verie necessarie that she be examined by some of his Majesteis Counsell, and quhairas the exhibitioun of her heere to that effect will be verie fashous and troublesome to these who sall be burdenned with the charge thairof, we have thairfoir thought it meit that her examinatioun sall be at Aberdein before your lordship, and we have writtin to the Marqueis to send her to yow. And thairfoir these ar to requeist and desire your good lordship how soone this woman sall be exhibite unto yow that yow receave her frome these that sall have the charge of her convoy and that yow committ her to sure keeping and waird till your lordship appoint a convenient tyme for her examinatioun upon the particulars following, to witt, tuicheing her knowledge of her husbands escape, who wer accessorie thereunto, what she knowes of his present being, and where and in what places he lurkes and frequents, Holyrood House, 1st November 1632. Letter of Council to the Bishop of Aberdeen desiring him to examine James Grant's wife.

and upon such others particulars as your lordship out of your awne judgement sall thinke fitt to demand of her, and as your lordship sall find caus and mater worthie of her detentioun that your lordship ather committ her and advertise his Majesteis Counsell with her depositiouns, or otherwayes that your lordship sett her to libertie. Quhilk recommending to your lordships judicious and wise consideratioun we committ your lordship to God. Frome Halyrudhous, the first of November, 1632. *Subscribitur ut supra.*" Royal Letters, 1623-33. Fol. 219, b.

Holyrood House, 6th November 1632.

Sederunt—Treasurer; Præses; Privy Seal; Wintoun; Buccleuche; Annerdaill; Advocate; Sir James Baillie. Sederunts, November 1629-January 1635. Fol. 91, a.

[No record of business.]

Holyrood House, 13th November 1632.

Sederunt—Præses; Privy Seal; Buccleuche; Annerdaill; Tracquair; Secretary; Clerk Register; Advocate.

Letter from his Majesty anent foreign coin.

"A letter from his Majestie anent reforming the abuses of forraine coyne, and the proveist and bailleis of Edinburgh ar ordained to be warned to this day eight dayes."

Holyrood House, 15th November 1632.

Sederunt—Præses; Privy Seal; Buccleuche; Annerdaill; Tracquair; Secretary; Clerk Register; Advocate. Acta, June 1632-June 1634. Fol. 162, a.

Letter from his Majesty stating that he has sent the chief graver in the English Mint to give his advice anent the Scottish coinage.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of his Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellours, we greit yow weill. Having at severall tymes writtin unto yow that the abusses of forrane coyne current in that our kingdome might be rectified for the publict good and credit of that our ancient kingdome, we have now to that purpose sent expresselie thither our servant, Nicolas Bryot, cheefe graver of our Mint heere, of whois knowledge in maters of coyne we have experience. Thairfoir our pleasure is that yow heare and consider of anie propositioun made by our said servant or by anie other to that purpose, and that heerafter that yow take anie course that yow sall thinke most fitt for the tymelie rectifeing of these abusses, whiche we will take as verie good service done unto us. We bid yow farewell. Frome our honnour at Hampton Court, the 3 day of October, 1632. Quhilk missive being heard and consideritt be the saids Lords and they advised therewith, the saids Lords ordains the provest and bailleis of Edinburgh to be warned to compeir before the Counsell anent this mater upon the twentie day of November instant." Fol. 162, b.

Acta, June 1632-June 1634. Fol. 162, b.

Letter from the Council to his Majesty anent the rentals of the Earls of Roxburgh and Buccleuch from the forfeited lands of the late Earl of Bothwell.

"The Lords of Secreit Counsell having heard and considderit the rentalls of the erledome of Bothuell and abbacie of Kelso whilks the Erles of Roxburgh and Buccleuche doe injoy in the right of the forefaltour of the lait Erle of Bothuell and of the inhabilitie of Francis Stewart, his eldest sonne, givin up be the saids Erles upon thair oath of veritie and subscryved with thair hands, the said Lords ordains the haill processe, togidder with ane abbreviat of the saids rentalls, togidder with the missive letter underwrittin to be sent up to his Majestie, of the quhilk the tennour followes:—Most sacred Soverane. Whereas your Majestie hes beene pleased by your severall letters of the eight and last of August, 1631, and 28 of May, 1632, to recommend unto us the tryell of the estait and rent of the erledome of Bothuell and Abbacie of Kelso which the Erles of Roxburgh and Buccleuche doe injoy by the forefaltour of the lait Erle of Bothuell and inhabilitie of Francis Steuart his sone, we have in obedience of your Majesteis royall command and conforme to the order thereby prescribed, used our best care and diligence for cleering of the truthe of that mater referred by your Majestie unto us; and after sindrie dyets and meitings keeped for a mutual probatioun to have beene led by either of the saids parteis, in end the said Francis made offer and wes content for facilitating of the said tryell to referre to the saids Erles thair oaths of veritie the rent of the estait whiche they bruike and injoy by the forefaltour, or whiche is now payed unto thame or hath beene heertofore payed to the lait Erle Bothuell or Abbots of Kelso. Quhairupoun the said Francis gave in three bookes conteaning the names of the lands and possessours thairof blanke in the dewteis whiche wer givin to the saids Erles to be filled up by thame, who accordinglie reproduced the double of the bookes filled in the dewtie and thairupon made faith in judgement that the same wer trew according to thair knowledge and informatioun whiche they had receaved thereanent frome others;

Fol. 163, a.

and therewithall produced ane renunciatioun under thair hands for quytting to your Majestie the benefite of the forefaltour of suche lands and teinds as they professe to possesse by other rights than be the forefaltour and the said Francis his inhabilitie. And as concerning the churches of laick patronages belonging to the said Erle of Buccleuche in regarde the said Erle hes onelie right to the presentatioun and not to the fruits of the benefices [whairof he receaves no profite] we have thought meit for your Majesteis better informatioun concerning the different worth of the severall patronages to acquaint your Majestie with the estate of the particular churches according as the same has beene valued before the subcommissioners for the teinds, the copeis of whiche valuatiouns, with the extract of the processe led and deduced before us we have thought fitt to send up to your Majestie to be considderit and disposed of as your Majestie in the excellencie of your incomparable wisdome sall thinke fitting; whiche for ane account of our proceedings we humbelie offer to your Majesteis princelie consideratioun.

Halyrudhous, 13 *Novembris*, 1632. *Subscribitur*, Mortoun, Stratherne, Hadintoun, Annerdaill, B. Dumblane, L. Lorne, Tracquair, Hamilton, Arch. Acheson, S^r^ Thomas Hop. Followes the rentalls— Acta, June 1632-June 1634. Fo. 163, a.

RENTALL OF THE HUNDRETH MERKLAND OF KELSO.

Of silver,		1581li. 2s. 1d.
Capouns,	93½.	
Sheirdayes,	1410.	
Carradges,	234½.	
Salmound,	72.	
Kaine foullis,	353¾.	

RENTALL OF SPROUSTOUN.

Of silver,		78li. 13s. 4d.
Meale,	62 bollis.	*Inde* in bollis compting fyve-score to the hundreth, 642. And in chalders, 40 cha. 2 bolls.
Beir,	193 bollis.	
Oates,	250 bollis.	
Peis,	60 bollis.	
Wheit,	74 bollis.	
Rye,	3 bollis.	
Capons,	10.	
The hay estimat yeerelie to 15 dayes work.		
Of broom everie thrid yeere,	50 turse.	

RENTALL OF REDDIN.

Of silver,		2278li. 9s. 0d.
Of meale,	32 bolls 2 furl.	*Inde* in bolls 60 bolls. And in chalders, 3 ch. 12 bolls.
Of beare,	27 bolls 2 furl.	
Capons,	36.	

RENTALL OF BOWDEN.

Of silver,		32li. 15s. 9d.
Long carradges,	12½.	
Short carradges,	16¾.	
Sheir dayes,	40.	
Capons,	12.	
Kaine foullis,	40.	

Acta, June 1632-June 1634. Fol. 163, b.

RENTALL OF MIDLAM.

Of silver, ... 34lt. 10s. 2d.
Long carradges, . . . 18¾.
Short carradges, . . . 43½.
Sheir dayes, ... 73¾.
Kaine foullis, ... 75¾.
The few dewteis of the temporall lands of Kelso, 263lt. 16s. 8d.
The few dewteis of the kirklands of Kelso, . 28lt. 3s. 4d.
The tacke dewteis of the teinds of the kirks of Kelso, 13lt. 16s.
The rentall bolls paid furth of the kirks of Dunsire and Caldercleir, ... 16 ch. ½ boll.

SUMMA TOTALIS OF THE PARTICULARS ABONEWRITTIN.

In silver, ... 4311lt. 5s. 4d.
In victuall, ... 59 ch. 14 bolls ½.

Quhairof to be deduced for the blenshe dewteis payed to his Majestie, the contributioun silver payed to the Lords of Sessioun, and for ministers stipends and furnishing of the elements

In money, ... 965lt. 6s. 8d.
In victuall, ... 32 ch. 3 bolls.
Rests of free money rent, ... 3345lt. 18s. 8d.
Rests of free victuall rent, . . 27 ch. 11 bolls ½.
Capons, ... 151½.
Sheir dayes, ... 1523¾.
Carradges, ... 234¼.
Long carradges, . . . 34¼.
Short carradges, . . . 60¼.
Kain foullis, ... 469½.
Salmound, sax dossoun, *indc* . 72.
The hay of Sproustoun estimat to 15 dayes worke.
The broome thairof everie thrid yeere to . . 50 turse.
Summa of the whole gressomes receaved be the Erle of Roxburgh, ... 17,198lt. 3s. 4d.

Item receaved be the said Erle for the right of the teinds of Duddingstoun dispouned be him to Thomas Thomesoun of Duddingstoun, ... 8500 merkes.

RENTALL OF THE LORDSHIP OF LIDDISDAILL.

Of silver dewtie, ... 9175li. 6s. 8d.

RENTALL OF CHAMBERLAN NEWTOUN.

Of silver dewtie, ... 296li. 13s. 4d.

RENTALL OF THE LORDSHIP OF CRICHTOUN.

Of silver dewtie, ... 1633li. 6s. 8d.
Of wheit, . . . 41 bolls.
Of beir, ... 57 bolls. } *Inde*—12 ch. 4 bolls.
Of aittis, . . 6 ch. 2 bolls.
Of kaine foullis, ... 3 dossoun.

RENTALL OF THE LORDSHIP OF HALES.

Of wheit, . . 19 ch. 4 bolls.
Of beir, . . . 19 ch. 4 bolls. } *Inde*—42 cha. 8 bollis.
Of aittis, . . . 4 chalder.
Kaine foullis, ... 6 dossoun.

RENTALL OF MORHAME.

Of wheit, . . . 27 bollis.
Of beir, ... 27 bollis. } *Inde*—5 ch. 1 boll.
Of aittis, . . . 27 bollis.

RENTALL OF PLEUCHLANDS.

Of wheit, . . . 14 bollis.
Of beir, ... 14 bollis. } *Inde*—3 chalder.
Of aittis, . . . 20 bollis.

THE MYLNE OF MORHAME.

Of meale, . . . 12 bollis.

SUMMA TOTALIS OF THE PARTICULARS ABONEWRITTIN.

Of silver, ... 11,105li. 6s. 8d.
Of victuall, . . 63 ch. 9 bolls, whairof,

Acta, June 1632-June 1634. Fol. 164, a.

Of wheit, . . 24 ch. 6 bollis.
Of beir, . . 25 ch. 6 bollis.
Of aittis, . . 13 ch. 1 boll.
Of meale, . . 12 bollis.
Of kaine foullis, . 9 dossoun."

Sederunt—Privy Seal; Wintoun; Linlithgow; Buccleuche; Annerdaill; Lauderdaill; Vicount Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne, Secretary; Advocate; Sir James Baillie. Holyrood House, 20th November 1632.

Trial of John Toshach for the murder of Viscount Melgum postponed at the petition of the Marquis of Huntly and others.

"The Lords of Secreit Counsell having read, heard and considderit the petitioun givin in in name of George, Marqueis of Huntlie, Williame, Erle of Erroll, Dame Sophia Hay, Vicountesse of Melgame, and Katharine Forbes, mother to umquhile Johne Gordoun of Rothiemay, whairby they humbelie craved a continewatioun of the criminall dyet appointed for the tryell of Johne Toshauche before his Majesteis Justice upon the 21 day Fol. 164, b. of November instant for the cruell and barbarous murder of the said Vicount of Melgame, the said Johne Gordoun of Rothiemay and others his Majesteis good subjects, and that in respect of the neerenesse of the terme to the said dyet, whairthrow nather the said supplicants nor no others of his Majesteis subjects who ar to be upon the said Johne Toshauche his assise can convenientlie keepe the said dyet. And the saids Lords being weill advised with the said petitioun and with the desire of the petitioners conteanit thairin thairfoir the saids Lords at the humble and earnest desire of the saids petitioners, ordains and commands his Majesteis Justice, Justice Clerk and their deputs to continew the said dyet appointed for the said Johne Toshauche his tryell before thame for the cryme abonewrittin till the 22 day of Februar nixtocome, quhereanent the extract of this act sall be to thame ane warrand."

Charge to George Suttie, burgess of Edinburgh, to deliver to William Dick the sum of £500, being a further contribution to the ministers of the Palatinate.

"The Lords of Secreit Counsell understanding that by and attour the soume of money formerlie collected within this kingdome towards the releefe of the distrest ministers of the Palatinat and whilk by exchange wes sent unto thame, there is sensyne five hundreth punds sterline collected and uplifted for the same use and delyvered to George Suttie, merchant burgess of Edinburgh, in whois keeping the same is presentlie; and the saids Lords being trewlie informed of the necessitie of the saids distrest ministers, and being carefull that this soume be tymouslie sent unto thame, thairfoir the saids Lords ordains and commands the said George Suttie to delyver the said soume to Williame Dick, merchant burges of Edinburgh, upon his acquittance. And the saids Lords recommends to the said Williame Dick to have ane speciall care of the tymous and speedie sending of the said soume by exchange to Pempe Calladrine, merchant at Londoun, who is to caus delyverie of the same to be made to the saids distrest ministers; and that the said Williame

Dick report to the saids Lords the said Pempe Calladrine his certificat upon the recept of the said soume with all convenient diligence." Acta, June 1632-June 1634. Fol. 164, b.

A duty on exported coal and salt granted to the Earl of Linlithgow on condition of his building and maintaining a fort on Inchgarvie.

"The whilk day Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, produced and exhibite before the Lords of Privie Counsell ane missive letter from his Majestie togidder with ane gift under his Majesteis hand by the whiche his Majestie hes committed to the said Erle the charge of building and keeping ane fort upon Inchegarvie besyde the Quenisferrie, and hes made and constitute the said Erle and his airis keepers thairof for the space of nyntene yeeres, granting unto him for building and interteanning of the said fort the impositioun and dewtie of twa shillings Scotish money to be upliftit of everie twnne of coale and twa shillings money foresaid for everie twnne of salt that hes or sall be transported during the said space, and since the dait of the act of Counsell made thereanent in *anno* 1627. Quhilk letter and gift foresaid being heard and considderit be the saids Lords they ordane the same to be past and exped according to his Majesteis pleasure signified thereanent, and finds no necessitie that the owners of coale and salt sould be callit to the passing thairof. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. Understanding that according to our directioun for causing survey and fortifie suche places upon the coasts of that our kingdome as wer necessarlie requisite, yow have made choice of the yle of Inchegarvie within Forth, for building and keeping whairof for the intended use yow have by ane act of Counsell, exhibited unto us by our Admirall for the tyme, imposed ane dewtie of twa shillings Scotish upon the twnne of coale and als muche upon the salt transported from that firth out of the kingdome, whairof we doe approve; thairfoir we have beene pleased to signe ane grant unto him during the space of nyneteene yeeres for building and keeping thairof with the said allowance imposed by yow, requyring that it be exped under our seales with all convenient diligence, or anie other to that purpose keeping the substance heirof, which may be for the good and safetie of our subjects and others lawfullie trading within the said firth, for which these sall be ane sufficient warrand; givin at our Court at Newmarket, the 22 of October, 1632." Fol. 165, a.

Order to the Magistrates of Edinburgh and the Officers of the Mint to report to the Council anent the proposal for reforming the abuse of foreign coin.

"The whilk day the Lords of Secreit Counsell, having heard Williame Gray, baillie, and M^r^ Alexander Guthrie, toun clerk of Edinburgh, and the generall and officiars of the Cunziehous upon the propositioun made to his Majestie for reforming the abuse of forrane coyne, the saids Lords ordains the toun of Edinburgh and the officiars of the Cunziehous to consider advisedlie upon the said propositioun and of the good and evill thairof, and to report thair judgement and opinioun concerning the same to the saids Lords upon the twentie nynt day of November instant, unto the quhilk day the saids Lords continewes this mater."

Acta, June 1632-June 1634. Fol. 165, a.

Fol. 165, b.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of his Majesteis Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Having of lait sufficientlie expressed our full resolution to repaire, God willing, the nixt sommer to that our ancient kingdome and to that effect required that a speciall care be had that nothing necessarie and decent be wanting for our receaving and interteanement there; we have at this tyme thought fitt particularlie to recommend unto yow the preserving of our game of hunting and hawking in these parts whairin our lait royall father wes wont to use and where yow sall think we may take occasioun to repaire, and for causing amend the highwayes wherein we ar to pas; and to that purpose that yow prescribe suche speedie orders as sall be found requisite; becaus the tymelie doing thairof before our comming will conduce to the good of our service in that kynde and be lesse troublesome to suche of our subjects as sall be imployed therein: And if anie persons sall transgresse these orders that yow call thame before yow and censure and fyne thame as yow sall find just caus. And hearing that the latenesse of the harvest there is likelie to occasioun great skarsetie of victuall, our further pleasure is (if yow finde it likelie to prove so) that yow grant no licence nor suffer anie corne to be transported out of that our kingdome till our comming hither unlesse yow sall finde that it may be safelie spared without feare of anie ensewing want—whiche as we desyre at all tymes to be prevented so speciallie at the tyme of our being there. All whiche faile not to doe as purposes whairof we will expect the performance at your hands. We bid yow heartilie farewell. Frome our Court at Whitehall, the seventh day of November, 1632. Quhilk missive being heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains his Majesteis Secretar to write to Court to gett knowledge of his Majesteis gestis to the intent that accordinglie directiouns may be givin for all suche things as ar necessar for his Majesteis royall and contented receptioun heere in this his ancient kingdome; and ordains ane copie of the letter foresaid to be delyvered to his Majesteis Exchecker, to the effect they may accordinglie consider of his Majesteis royall directioun anent the restraint of exportatioun of victuall."

Letter from his Majesty desiring that certain arrangements be made against his visit in the ensuing summer.

Fol. 166, a.

"Anent the supplicatioun presentit to the Lords of Secreit Counsell be James Crichtoun of Fendraucht makand mentioun, that where Johne Leslie of Pitcaple having conveenned him before the saids Lords for certane alledgit charges and expenses quhilks the said Johne alledgit the supplicant had moved him to spend anent the tryell of the burning of his hous of Fendraucht, and the actioun being callit in presence of the saids Lords, the supplicant, putting his confidence [as he alwayes yitt

Supplication by James Crichton of Frendraught anent the submission of his dispute with John Leslie to the Lord Chancellor.

does] in the Lord Chanceller his honnourable cariage in that bussines, he at the first without anie order made ane reference to the said Lord Chanceller of all that concerned him anent the said Johne Leslie his clame, under protestatioun alwayes that the supplicant no wayes acknowledgit the said Johne Leslie his interesse and that his haill defences sould be reserved aganis the said Johne Lesleis clame; upoun the whilk conditioun the said Lord Chanceller accepted the decisioun of that mater in and upon him. And in regarde the supplicant had not occasioun nather could he conveniently meit with the said Lord nather has yitt mett with him since the tyme of the foresaid submissioun, bot M^r^ James Baird, the supplicants advocat, of his awne accord went to Perth to the said Lord Chanceller, where after some conference had with his lordship anent this bussines it wes appointed be the said Lord Chanceller himselfe in presence of the Lord Innerpeffer being there present for the tyme in respect that there could be no meiting before November, that the supplicant sould come at some Counsell day in November and present himselfe before the saids Lords of Privie Counsell and there of new againe submitt himselfe to the said Lord Chanceller or to the whole nomber of the Counsell. And now for obedience of the said Lord Chanceller his appointment the supplicant is readie to submitt himselfe to the said Lord or to the whole nomber of the Counsell according to the tennour of the first submissioun but prejudice of his defences both aganis Pitcaples interesse and of his defences in the caus, and that it may be enacted that the first submissioun with all that hes followed or may follow thereupoun may be haldin as cancelled in respect of this present submissioun. Humbelie desyring thairfoir the saids Lords to caus call upon the supplicant to compeir before thame and offer the said submissioun of the tennour abonewrittin according to the promeis made to the said Lord Chanceller in his name, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords, and the said supplicant being accordinglie callit upon and compeirand personallie, he offered to submitt the actioun foresaid to the said Lord Chanceller or to the whole nomber of the Counsell, according to the tennour and contents of the supplicatioun abonewrittin, and in regarde thairof protested that his first submissioun and decreit (if anie hes followed thairupon) might be voide."

Acta, June 1632-June 1634. Fol. 166, a.

Judgment of the Council anent the jailor of Dumfries and anent the magistrates of the same burgh. See *ante*, p. 562.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Maxuell and Johne Hairstanes, bailleis of Dumfreis, for obedience and satisfactioun of the act made to that effect upon the first of November instant, and declared that the warlock who wes in thair jayle and who wes warder therein when the twa fugitive lymmars escaped furth thairof, wes execute and brunt before the bailleis of Dumfreis come home when they were dismist be the saids Lords upon the said first of November instant; and they declared in the presence and hearing of David Wallace, jaylour of the said tolbuith, that the said

Fol. 166, b.

Acta, June 1632-June 1634. Fol. 166, b.

jaylour wes discharged to suffer anie of the fugitives wyffes to have accesse unto thame, whilk the said jaylour, being personallie present, could not deny. And thairfoir the saids Lords finds and declaires that the said jaylour hes committed a very great wrong in suffering the wyffes of the saids fugitives to have accesse to thame and that he hes not answered to the trust reposed in him in that charge, for the quhilk the saids Lords remitts him to the magistrates of the burgh of Dumfreis to be censured and punished be thame according to the merite of his fault. And forder the saids Lords finds and declares that the magistrats of the burgh of Dumfreis hes beene sleuthfull and negligent in not making of thair jayle fencible and that they have not beene so carefull in the guarding and watching of the same as in dewtie they aucht to have beene; and thairfoir ordains the saids magistrats to make thair said jayle fencible in doores, windowes and all other way in tyme comming, and to have ane speciall care of the sure and saulfe keeping of the same; and ordains thame to find cautioun for their compeirance before his Majesteis Justice or before the saids Lords of Privie Counsell when ever they sall be lawfullie charged and answere upon thair bypast neglect in suffering of the saids fugitive lymmars to escape, under the pane of ane thowsand merkes. Lykeas the saids James Maxuell and Johne Hairstanes, being personallie present, actit and obleist thame selffes to compeir to the effect foresaid under the pane abonewrittin; and siclyke they become actit and obleist as cautioners and souerteis, conjunctlie and severallie, for the provest and others bailleis of the said burgh that they sall compeir personallie before his Majesteis Justice or before the saids Lords to the effect and in maner abonewrittin, under the said pane of ane thowsand merkes."

Sederunt—Privy Seal; Wintoun; Linlithgow; Buccleuche; Annerdaill; Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Lord Lorne; Lord Tracquair; Secretary; Advocate; Sir James Baillie. Holyrood House, 22nd November 1632.

Fol. 167, a.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes: —CHARLES R. Right trusty and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas diverse complaints have beene made to us and our Counsell heere in behalfe of some of our subjects of this our kingdome and Ireland aganis suche persouns there as have bought goods from pyrats who had robbed thame at sea, to whiche purpose we did write of lait that the goods might be restored to the right owners compleaning in dew and lawfull tyme, in regarde it concerneth the good and honnour of that our ancient kingdome that suche abuses be rectified and the transgressours punished

Letter from his Majesty anent the buying of certain goods from pirates.

according to the lawes thairof, we ar heirby pleased to recommend that our Admirall for the tyme have all the lawfull and speedie assistance yow possiblie can for punishing the delinquents and restoring the goods to the right owners. But if both parteis sall happin to condescend amongs thameselffes to submitt thair differences to be composed by our said Admirall, in these caises (for avoyding delayes by sutes of law amongs thame), we require yow to allow him (if neid beis) to modifie compositiouns, provyding that the fynes (if anie sall happin to be imposed upon the delinquents) be imposed by your consent after the hearing of parteis, that nane have just caus to complaine. So recommending this speciallie to your care, we bid yow farewell. From our Court at Newmercat, the 23 of October, 1632."

Letter from his Majesty desiring the Council to aid Lord Lorne in the discharge of his office as Justiciar of the Isles.

"The quhilk day in presence of the Lords of Secreit Counsell compeired personally Archibald, Lord of Lorne, and exhibite and produced before the saids Lords the missive letter underwrittin signed by the Kings Majestie and direct to the saids Lords, quhilk being read, heard and considderit be the saids Lords they ordane the same missive to be insert and registrat in the bookes of Privie Counsell, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Whereas the office of Justiciarie in the bounds of the Yles and others parts mentiouned in our grant thairof to our right trustie and weilbelovit counseller, the Lord of Lorne, is established and the questiouns removed whiche wer objected against that office, to the effect that justice may be dewlie and tymelie executed in these parts according to the lawes of that our kingdome, our pleasure is that frome tyme to tyme, as the said Lord or his deputs sall have occasioun to use your aide in anie thing that may concerne his furtherance in the lawfull executioun of that office, yow grant the same unto thame. We bid yow farewell. Frome our Court at Oatlands, the last of July, 1632."

Proclamation to be made that the Council will meet in the Laich Council-House of the burgh of Edinburgh during the ensuing winter.

"The Lords of Secreit Counsell hes found it meit and expedient for the ease of the subjects in this unseasonable tyme of winter that the meitings of the Counsell during this winter seasoun sall be in the laich counselhous of the burgh of Edinburgh at the ordinar tymes mentiouned in the acts formerlie made thereanent. And thairfoir ordains ane maisser of Counsell to pas to the mercat croce of Edinburgh and there be opin proclamatioun to make publicatioun heirof to all his Majesteis lieges and subjects, whairthrow nane pretend ignorance of the same."

Apology by Captain Edward Maxwell for his conduct to Lord Traquair.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Edward Maxuell, callit Captan Edward Maxuell, he being exhibite before the saids Lords and brought doun frome the tolbuith of the burgh of Edinburgh be ane of the bailleis of the said burgh, and the saids Lords having laid to his charge his great oversight and neglect of dewtie to the Lord of Tracquair, who is a nobleman having

Acta, June 1632-June 1634. Fol. 167, b.

ane publict and eminent charge of his Majestie, the said Edward declared that he wes most sorie that he had givin anie occasioun of offence ather to the said Lords or to the said Lord of Tracquair by his misbehaviour and disrespect outher in words or cariage; in respect whairof the saids Lords ordains the said Edward to be putt to libertie and fredome furth of the said tolbuith of Edinburgh so that he may pas where he pleases as his Majesteis free subject."

Anent the same Captain Edward Maxwell.

"The whilk day Edward Maxuell, callit Captan Edward, being demanded upon oath if since his last appearance before the Exchecker he had made anie provocatioun be word or writ to anie of the Lord Tracquairs servants, he depouned and declared upon oath that nather by word nor writt made he anie suche provocatioun since the tyme foresaid."

Caution by the same that he will keep the peace.

"The whilk day the Lords of Secreit Counsell having found it meit and expedient that Captane Edward Maxuell sould find cautioun for keeping of his Majesteis peace with all his subjects, he depouned and declared upon oath that he wes not able to find anie suche cautioun, his freinds being all out of the toun at this tyme, and thairfoir he actit, band and obleist himselfe to observe his Majesteis peace with all his Majesteis subjects, and to keepe good rule and quyetnes in the countrie in all tyme comming, under the pane of ane thowsand punds; and he promised to imploy his best care and credit for reporting ane sufficient cautioner to the effect abonewrittin betuix and this day fyftene dayes."

Sederunts, November 1629-January 1635. Fol. 92, b.

Holyrood House, 22nd November 1632.

"The quhilk day the Captane of Clanrannald gave his compeirance; lykeas the Lord Lorne become cautioner for his compeirance the tent of Julij nixt and for keeping of the generall band in the meane tyme."

The Captain of Clanranald.

"The quhilk day James Johnestoun of that Ilke become cautioner for James Johnestoun of Neis his compeirance before the Counsell upon a lawfull citatioun to answer upon his making and subscriving of double rights under the pane of a thowsand merkes."

Caution by James Johnstone of that Ilk for James Johnstone of Neis.

Acta, June 1632-June 1634. Fol. 168, a.

Edinburgh, 27th November 1632.

Sederunt—Wintoun; Wigtoun; Annerdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Tracquair; Secretary; Advocate; Sir James Baillie.

Direction to John, Lord Traquair, and others to examine his Majesty's wardrobe.

"The Lords of Secreit Counsell ordains John, Lord Tracquair, Deputie Thesaurar, Sir Johne Hamiltoun of Magdalens, Clerk Register, Sir James Baillie of Lochend, and the maister of his Majesteis wairdrop to meit the morne and to survey the wairdrop and to consider what is wanting or defective therein that order may be givin for remeid thairof. Lykeas the said Lord Tracquair, Deputie Thesaurar, undertooke for George, Vicount of Dupline, Lord High Chanceller of this kingdome, and Williame, Erle of Mortoun, Lord High Thesaurar, that they sould delyver suche of his Majesteis plaitt and hingings as they have in thair hands.

And the Lords ordains ane letter to be writtin to the Lord Areskine for delyvering what he hes of that kynde in his keeping." Acta, June 1632-June 1634. Fol. 168, a.

Letter from his Majesty desiring that the Council delay passing the act granting a lease of Inchgarvie for nineteen years. See *ante*, p. 570.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being presented to the saids Lords and read in thair audience, the saids Lords ordains the same missive to be insert and registrat in the bookes of Secreit Counsell, and ane copie thairof to be delyvered to the Lords of his Majesteis Exchecker, of the whilk missive the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellers, and trustie and weilbelovit counsellours, we greit yow weill. Whereas upon ane act of Counsell made by yow for building and keeping ane fort at Inchegarvie we wer pleased to grant for that purpose ane lease for nynetene yeeres unto our right trustie and right weilbelovit cousine and counsellour, the Erle of Linlithgow, to be exped under the seales of that our kingdome; bot having occasioun at this tyme to consider further of that purpose, our pleasure is that yow stay the passing of that lease till we sall be pleased to give further order tuicheing the same, and for your so doing these sall be sufficient warrand. We bid yow farewell. Frome our Court at Whitehall, the 17th of November, 1632."

Edinburgh, 27th November 1632. M'Neill of Barra and M'Lean of Lochbuy.

"The quhilk day M^cNeill of Barra and M^cClaine of Lochbowy, being oftymes callit to have compeired before the Counsell this day, the said M^cNeill of Barra compeired be Johne M^cClay who desyred ane day in Marche for exhibitioun of the said M^cNeill, becaus, as he alledged, he wes unable to travell in respect of ane hurt quhilk he receaved by a fall frome his hors; and M^cClaine of Lochbowy compeirand be Johne Nicoll he desyred the same day. Quhairunto the Bishop of the Yles, being present, opposed. The Lords continewes this mater till Thurisday nixt." Sederunta, November 1629-January 1635. Fol. 93, a.

Aberdeen, 27th November 1632. Letter from the Bishop of Aberdeen with the deposition of the wife of James Grant anent her knowledge of her husband's escape from Edinburgh Castle.

"My most honorable and verie good lords. James Grant his wife wes brought to me frome my lord Marqueis of Huntlie togidder with your honnours letter concerning her, according to whiche I examined her and have sent heerewith her depositioun under her awne hand; wherein nothing (in my judgement) of that moment as quhairof to make more bussines about her. And it having pleased your honnours to referre so muche to my discretioun I choosed rather to dismisse her then ather to trouble your lordships more with her or anie of the lieges with her transportatioun and exhibitioun to small or no purpose. The grace of God be with your good lordships alwayes. Aberdein, 27 *Novembris*, 1632. Your honours humble servant, Pa. Aberdene. Followes the depositioun:—At Ald Aberdein, the twelffe day of November the yeere of God, j^m vi^c and threttie twa yeeres, compeired in presence of ane reverend father in God, Patrik, Bishop of Aberdein, Elspitt Inneiss, spous to James Grant, and being solemnelie sworne, declared be vertew of her aith that she removed furth of the Castell and left her husband upon Royal Letters, 1623-33. Fol. 223, a. Fol. 223, b.

Royal Letters, 1623-33. Vol. 223, b. Saturday the 13 day of October last about twelffe houres or thereby after that she had compted and reckonned with the maister porter, Robert Kennedie, and had takin her leave fra the constables wife, the said maister-porter and the keeper of her husband and his wife, and in taking her leave she prayed the keeper that he sould attend her husband for she feared that he sould take some desperat course be reasoun of the death of his sone; and that night she past to Leith to the hous of Normand Baptie accompanied with Margaret Scot, her awne servant, quhair she remained that night and upon the morne she boated and landed in Kingorne be twelffe houres and past that night to Cowper to Johne Donaldsouns hous accompanied with Thomas Kneir in Montrose and David Donaldsoun in Brechin, George Cuik in Elgine, Alexander M^cGowane there, and dynned in Patrik Kinnairds hous in Dundie; and frome thence went that night to Longlone to the hous of Alexander Richartsoun betuix Dundie and Forfar, and therefra come to Ogill to James Ramsayes hous on Tuisday at night, and upon Wednisday at night come to the hous of Thomas Law in Mylnetoun of Glenesk, and upon Thursday come to Robert Ferquarsouns hous in Fugzeane, where she remained that night, and upon Fryday at twelffe houres in Fugzeane she went to Ferrar in Obeyne that night where she remained quhill Sonday at twelffe houres, and thairfra past to Patrik Rids hous in Migowne that night, and upon Mononday past to the Kirktoun of Glenbuchett, where her sonne wes buried, and therefra that night past to Achindoun to Vol. 224, a. Robert Royes hous, where she remained that night. Upon Tuisday past to Rothes to the hous of Robert Grant, her brother in law, where she remained quhill Fryday thereafter and therefra she being comming by the Boig of Geicht in her going to the Garioch for doing some of her effaires she come to the hous of Thomsoun beside the Boig of Geicht, and she being there some of my Lord Marqueis of Huntlies servants took her and had her to the place of the Boig quhair she remained quhill she wes sent to the Bishop of Aberdein his place and being examined and sworne be her oath what knowledge she had of her husbands escape out of waird depouned that she knew nothing ather of the tyme or maner thereof, bot on some dayes before her away coming frome her husband, he being in great greefe for the death of her sonne, had uttered so muche to her that whatever he might befall he wes now resolved to follow the counsell that his sonne had givin him, who assured him that what they had gottin out of him all that they could to his owne and his speciall freinds prejudice they would in end prove his enemeis and disappoint him of all hopes that they had givin him; becaus he understood by his sonnes informatioun evidentlie that no remissioun wes obteanned to him; and thairfoir as his sonne had advised him he wes resolved to assay escaping out of waird. And being posed whither if knowing so muche of his mynde she had furnished him with anie meanes of escaping or knew anie by whome he wes furnished, depouned that she nather furnished anie

herselfe nor knew by whome he wes furnished except it might be by his lawfull sonne now deceast before his comming frome him, or by his naturall sonne who remained in the castell with him; and that she never knew nor heard of the tyme of her husbands escaping quhill she heard the first report thairof in Robert Ferquarsouns hous in Fugzeane by ane post passing north by the Murealehous, quhilk report she heard more and more confirmed thereafter. Lykeas she depouned that the reason quhilk moved her to leave her husband wes onelie to try and know the maner of her sones death; being lykewayes [posed] if since his escape she hes had anie correspondence with him or knowledge where he wes or haunted or wes receaved, deponis she never knew where he wes since his escaping except she heard him say before his escaping that if he escaped he would visite his daughter in Ireland. And hes subscryved this her depositioun with her awne hand in presence of the witnesses underwrittin. *Sic subscribitur*, Elspet Innes; Pa. Aberdene; Tho. Sandelands, witnes; Geo. Middilbie, writter and witnes; Ja. Sandelans, witnes; Johne Forbes d., witnes; M. Al. Scrogie, witnes." Royal Letters, 1623-33. Fol. 224, a. Fol. 224, b.

Edinburgh, 29th November 1632.

Sederunt—Wintoun; Linlithgow; Wigtoun; Air; Lord Gordoun; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 168, a.

Answer by William Gray, bailie, and Mr. Alexander Guthrie, town-clerk of Edinburgh, for the magistrates of the said burgh anent the proposed remedy of the abuse of foreign dollars.

"The whilk day Williame Gray, baillie, and M^r^ Alexander Guthrie, toun clerk of Edinburgh, compeirand in name of the magistrats of the said burgh before the Lords of Privie Counsell, they propouned certane reasouns by word whairfoir they could not upon so short advertisement ansuer the propositioun sent doun be his Majestie for remeiding the abuse of the course of dollers. In respect whairof the Lords assignes to the toun of Edinburgh the tent day of Januarie nixt to give in thair peremptorie ansuers to the said overtour; and siclyk assignes to the officiars of his Majesteis Cunziehous that same dyet for giving in thair ansuers to the said propositioun." Fol. 168, b.

Edinburgh, 29th November 1632. Warrant in the case of the complaint of Mr. George Black. M'Lean of Lochbuy and M'Neill of Barra.

"The Lords gives warrand [illegible] for his compeirance before the Counsell to ansuer this day eight dayes upon the complaint of M^r^ George Blacke untill the eight day of December nixt." Sederunts, November 1629-January 1635. Fol. 93, b.

"The Lords decernis aganis M^cClaine of Lochbowy and continewes the outgiving of the letters till the tent of Januar nixt; and siclyke decernis aganis M^cNeill of Barra, and continewes the outgiving of the letters till the tent day of Marche nixtocome."

Edinburgh, 29th November 1632. Letter of Council to the Chancellor, Treasurer, President of the Council,

"May it please your good lordships, Mr. Nicolas Briot, cheefe graver to his Majestie of his Hienes mynt in England, having brought unto us ane letter frome his Majestie and his owne propositioun for reforming of the Mynt heere and restrayning the course of dollers by decrying of the name and by coyning of some small leyed moneyes of ten deneirs fyne for exchange, we did give some short tyme to the provest and bailleis of Royal Letters, 1623-33. Fol. 222, a.

Royal Letters, 1623-33. Fol. 222, a.

Edinburgh and to the generall, maister and officers of his Majesteis Cunziehous to consider of the saids propositiouns and to certifie unto us thair doubts and opiniouns. And they having this Thursday, the 29th of November, compeired before us and delyvered manie reasouns for a longer tyme to consider of the bussines, it being of a great and universall moment for the whole kingdome, we, upon consideratioun of the saids reasons, conceaving that our sacred soverane hes a speciall regarde to the weale of this his ancient kingdome als weill in the mater of the Mynt as in all other things concerning the same, thairfoir we have presoomed to grant a delay untill the tenth day of Januar nixt ensewing, whiche is assigned both to the toun of Edinburgh and officers of the Mynt to give in thair answers and opiniouns in writt, whereby, we having then perused the same, may be the more able to give his Majestie satisfactioun by our best resolutiouns what we sall conceave fitt to be done in suche a bussines so highlie importing the good and credite of this kingdome and for preventing suche prejudices as perhaps may heerafter flow frome the misconceaving of the trew nature of these things whiche ar propounded. Our heartilie requeist unto your lordships thairfoir is that your lordships, being now at Court, may be pleased to intreate his Majestie to accept of this our delay in good part as springing frome our heartie affectioun and desire to give his Majestie trew informatioun after we sall be able to know all the materiall circumstances of the said bussines, and in respect M^r^ Briot alledgeth he cannot stay heere untill the said day, thairfoir we have dismissed him with assurance of our resolutiouns to his Majestie soone after the said day; quhairof we pray your lordships to give notice to his Majestie least anie mistaking sould be of his so speedie returne to Court before his bussines wer perfected. So wishing your lordships all health and happines we rest. Edinburgh, 29th *Novembris*, 1632. *Subscribitur*, Wintoun, Wigtoun, Buccleuche, Annerdaill, Lauderdaill, Gordoun, Air, B. Dumblane, B. Yles, Arch. Achesoun, S^r^ Thomas Hop."

and Secretary, now in London, anent the proposals of Mr. Nicolas Briot for the reform of the coinage.

Fol. 222, b.

Sederunts, November 1629-January 1635. Fol. 93, b.

Sederunt—Wintoun; Wigtoun; Annerdaill; Gordoun; Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Edinburgh, 4th December 1632.

"The Lords ordains missives to be writtin to the whole Counsell to be heere upon the tent day of Januar nixtocome anent the coyne." Summons to the whole Council to meet on 10th January 1633.

Royal Letters, 1623-33. Fol. 221, b.

"After our verie heartilie commendatiouns to your good lordship. Whereas there is a meeting of the whole Counsell appointed to be heere at Edinburgh upoun the tent of Januar nixt to consult and advise anent some propositiouns sent doun be his Majestie concerning the coyne, quhilk being a mater of verie great importance quhairin the haill kingdome hes speciall interesse and quhilk thairfoir requires verie mature and grave deliberatioun, these ar thairfoir to requeist your good lordship to keep this dyet preciselie, to the intent your lordship may joyne with Edinburgh, 5th December 1632. Letter summoning the Council to a meeting on the 10th of January next anent the coin.

the rest of the Counsell by your best opiniouns in this great and important bussines; and so attending your lordships presence the day foresaid, we committ your lordship to God. Frome Edinburgh, the 5 of December, 1632. *Subscribitur*, Wintoun, Wigtoun, Annerdaill, Dunkelden, Arch. Achesoun." Royal Letters, 1633-33. Fol. 221, b.

Edinburgh, 6th December 1632.

Sederunt—Wintoun; Wigtoun; Buccleuche; Annerdaill; Lauderdaill; Vicount of Air; Lord Gordoun; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 168, b.

Declaration by Mr. Nicolas Briot, chief graver of his Majesty's Mint in England, anent the reform of the abuse of foreign coin.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Nicolas Briot, cheefe graver of his Majesteis Mynt in England, and gave in the declaratioun underwrittin subscryved with his hand, for the better understanding of the propositioun made be him for reforming the abuse of forrane coyne, of quhilk declaratioun the tennour followes:—

A Declaratioun made by Nicolas Briot to the honorable Lords of his Majesteis Privie Counsell haldin at Edinburgh upon Tuisday, the 4th day of December 1632, for the understanding of the propositioun made by him to the saids Lords at his Majesteis command tuicheing the expulsioun of forrane moneyes out of his Majesteis kingdome of Scotland.

That the said propositioun is made in favour and for the advantage of his Majesteis subjects it is evident, becaus by it no particular persoun can hope of anie profite or benefite for the present and also nothing reserved for the tyme to come, except the ordinarie right of his Majesteis officiars fees and expences of workmanship, as may be easilie seen and considderit.

"That the diminutioun of the money from ellevin to ten deneirs fyne for the fynnesse of the small money cannot be callit abaseing thairof, becaus the price of gold and silver strickin in great peeces of money according to his Majesteis ordinance remaine in the intrinsecall goodnes, weight and price, as they ar at this present.

"As also by the said propositioun is not understood that greater quantitie sould be made of the small moneyes then that whiche sall be judged necessarie for the use and commoditie of the people and that within the tyme that sall be appointed.

"And incaise that the reasouns more at length mentiouned in the propositioun made by the said Briot declaring the causes and reasouns for whiche the small moneyes sould be made of the fynnesse of ten deneirs are not sufficient to make them be receaved, it sall be free for anie man to propound a better meane and to prove the same. Fol. 169, a.

"That as the money of strangers hath beene brought in this kingdome by degrees and highted in thair price fra tyme to tyme, so this kingdome cannot be disburdenned thereof bot by that same way, that is to say, by

Acta, June 1632-June 1634. Fol. 169, a.

making lesse the price thairof also frome tyme to tyme, and that leasure may be givin to surrogat als good kynds of money of his Majesteis in in thair places; and so by these meanes the commerce and handling sall not be hindered nor changed.

"There is no reasoun to hight the price of silver within his Majesteis kingdome so long as France and Spaine keepes the last ordinances, and namelie to hight the said silver to suche ane excessive price as the dollers and others moneyes whiche have thair course in this kingdom may be converted in the standart money without tinsell and great losse.

"Lykewayes no remedie may be hoped for against this evill, nather anie good advice frome thame who are the causers of this disorder and speciallie frome thame who have seene the beginning thairof, to witt, the merchants and officiars of the Mynt and have not hindered the same according to the dewtie of thair offices, for the quhilk they have to answer.

"And thairfoir it must be resolved for the present to lose a little and the sooner the better without respect of anie particular persouns, and that so muche the rather that the delay in suche maters is of a dangerous consequent. The losse present is not considerable in respect of the great profite it will bring furth, altho the losse for the most part will fall upon the riche, who possesse the most part of forrane moneyes, and not upon the people who possesse the smallest part.

"It wer easie to bring manie exemples of crying doun sindrie sorts of moneyes made by nighbours of this kingdome both in tymes past and not long since, and particularlie in France when the warres and publict necessiteis required, the kings wer constrained for the weale of the estait to alter the money and hight the price of thair awne coyne, whiche necessitie of warres being past (without anie respect to the losse of the

Fol. 169, b.

subject at that tyme bot considering onelie the tyme to come) have redacted and restored the moneyes to the prices they wer at before the warres; whiche may be seene in the historie of Charles 7th, who after his warres aganis England, when the peeces of 40 ℔. wer brought doun to ane pund. Also Henrie the 3 in the tyme of the civill warres of the League, the moneyes being highted and forraine moneyes brought in by his ordinance in the yeere 1577, callit the Edict of Poitiers, he redacted the money to half price; so that that whiche gave that day 60s. the morne onelie wes worth 30s.; and the testan, which then wes worth 30s. wes redacted to 15s.; and all forraine moneyes cryed doun, and these that had course redacted to the same price, for whiche cause the king wes greatly praised and his ordinances found so just that they wer observed to the yeere 1602.

"This also may be seene in the moneyes of Germanie, since the battell of Prague, that the rix doller being highted to twentie florences the Imperiall Chamber ordained the yeere 1624 that the peeces having course for 20s. should be redacted to three shillings, and all other

moneyes remitted to thair owne prices as we may see them presentlie. The like hath beene done within this ten yeeres past through the most part of Italie, by the King of Spaine in Millan, by the Duke of Savoy in Florence, Mantua and others. Acta, June 1632-June 1634. Fol. 169, b.

"It is to be observed and marked that the disorder of forrane moneyes in the kingdome hath beene made by certane particular persons who doe make thir profite and advantage by the hurt of the commonwealth, and by the introductioun of the saids moneyes they have not onelie transported the commoditeis of this kingdome bot lykewayes his Majesteis moneyes, and hath destitute and destituts daylie this kingdome of all the naturall money by thair unlawfull traffique, as if this kingdome wer a conquest kingdome, seing that he that is the soverane is not knowne by his proper, naturall and coynned money. And this disorder is the greater that it hath beene made and continueth without anie caus or publict necessitie.

"It is manifest thairfoir by the foresaids exemples and reasouns what is the wonderfull benignitie of his Majestie towards his subjects of Scotland to make thame to understand and communicat to thame that whiche his Majestie esteemes to be thair profite and for the conservatioun of the honnour and dignitie of this ancient crowne; and that so muche the more that as frome the exemple of other soverane kings his Majestie by the right of his royall prerogative hath power to impone the price of gold and silver that ar coynned and is not obliged to declare to his subjects the causes, motives and reasouns thairof. *Sic subscribitur*, BRIOT. Quhilk declaratioun being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains copeis thairof to be givin to the toun of Edinburgh and to the officiars of the Cunziehous to be considderit and answered be thame upon the tent day of Januar nixtocome, which is the dyet assigned unto thame for answering the principall propositioun concerning the coyne." Fol. 170, a.

Letter from the Bishop of Aberdeen anent the deposition of James Grant's wife.

"A letter frome the Bishop of Aberdein conteaning a report of the examinatioun of the wife of James Grant and the said Bishop his dismissing of her in respect of her depositioun importing nothing to the discoverie of her husbands escape." Sederunts, November 1629-January 1635. Fol. 93, b.

Edinburgh, 11th December 1632.

Sederunt—Privy Seal; Wintoun; Lord Gordoun; Viscount of Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 170, a.

The officers of the Mint and Mr. Nicolas Briot.

"The Lords of Secreit Counsell understanding that the Generall and Maister of his Majesteis Cunziehous hes sequestrat some quantitie of the copper coyne as being abone and beneath the remeids of weight allowed be the act of Counsell made thereanent, and having heard and considderit the desire of M[r] Briot craving delyverie to be made to him of the said copper coyne, with the answeres made thereto be the officiars of the

Acta, June 1632-June 1634. Fol. 170, a.

Cunziehous, and being therewith and with the act of Counsell foresaid weill advised, the saids Lords recommends to the officiars of the Cunziehous to use the said M^r Briot with all courtesie and favour so farre as in the dewtie of thair office and without violatioun of the said act of Counsell they may lawfully doe."

Royal Letters, 1623-33. Fol. 222, b.

Edinburgh, 11th December 1632. Letter of Council to the Chancellor, Treasurer, President, and Secretary anent a subpœna which had been served on Sir Harry Wood from the English Exchequer.

"May it please your good lordships, Sir Harie Wod of Bonytoun, knight, having beene served with a subpoena out of his Majesteis Exchecker in England to answer there at the sute of one Richard Carmadan, and conceaving himselfe not to be subject to that jurisdictioun of Exchecker there (he being ane actuall indweller in this kingdome and having nather lands nor goods within England) hath this day exhibited his bill unto us (which we doe heerewith send unto your lordships) setting furth that suche writts of subpoena oucht not to be served nor execute within this kingdome, the same not being subject to the jurisdictioun of England, and that a precedent in this kynde may prove prejudiciall to the libertie of this realme. Thairfoir at his desire we thought fitt heirby to intreate your lordships to informe his Majestie of this mater whereby his Majestie may be pleased to give order to the barouns of Exchecker so to dismisse the said caus frome before thame as the said Richard Carmadan may be left to sue the said Sir Harie Wod in this kingdome as being the proper territorie of his abode where he may have speedie justice and executioun aganis his persoun and estait if anie thing sall happin to be found dew unto him. So leaving this bussines unto your lordships wise and judicious consideratioun quhairby his Majestie may be trewlie informed for preservatioun of the liberteis of this kingdome and jurisdictioun thereof, we sall ever rest, etc. Edinburgh, the ellevint of December, 1632. *Subscribitur*, Hadintoun, Wintoun, Air, Gordoun, Dunkelden, B. Dumblane, B. Yles, Arch. Achesoun, S^r Thomas Hop."

Fol. 223, a.

Letter of Sir Harry Wood to the Council anent the subpœna which had been served on him by the English Exchequer.

"My lords of Secreit Counsell, unto your lordships humbelie meanes and shawes I, your servitour, Sir Harie Wod of Bonytoun, knight, that where I am charged be ane writt or precept, callit a subpoena, directed frome the barouns of the Exchecker in England at the instance of Richard Carmardan, surveyer of the customes of Londoun, to compeir before the saids barouns of the Exchecker and to underly thair decreit and sentence anent the soume of twa hundreth punds sterline wrongouslie acclamed fra me be the said Carmardan, and I am forder informed that he intends to arrest some soumes of money addebted to David Wod, my sonne, be some persouns in England, in the quhilk actioun I have verie infallible and pregnant reasouns to elude the petitioun of the said Carmardan in the said Court of Exchecker, yitt when I consider how farre a precedent this kynde might tuiche the liberteis and priviledges of this kingdome and remaine upon record unto all posteriteis I resolved rather to underly the hazard of the persute and what may follow thairupoun nor to introduce ane exemple in my persoun and for my awne

particular wherein the haill kingdome may susteane publict prejudice; quhairof I have thought meit to make your lordships acquainted to the intent that your lordships, after consideratioun of the nature and qualitie of the caus may take suche course and order as the fredome and priviledge of this kingdome requires." Royal Letters 1623-33. Fol. 223, a.

"This petitioun delyvered on the backe in this forme:—

Apud Edinburgh, 4 Decembris, 1632.

"The Lords ordains a missive to be writtin to the Lord Chancellour, Thesaurar, President, and Secretar, recommending unto thame to sollicite his Majestie tuicheing the mater within writtin."

Edinburgh, 13th December 1632.

Sederunt—Privy Seal; Wintoun; Lord Gordoun: Viscount of Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 170, a.

Letter of his Majesty anent a question at issue between the commissioners for the Burghs and the Constable.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Sinclare, ane of the bailleis of Edinburgh, and exhibite unto the saids Lords the missive letter underwrittin signed be the Kings Majestie and directed unto thame conteaning his Majesteis royall pleasure that no new gift be exped tuicheing the office of Constabularie till the commissioners for the Burrowes be lawfullie cited and heard to object aganis the same, and if anie questioun sall arise anent thair liberteis, to stay the passing of the said gift in so far as concernes the differences betuix the High Constable and thame untill they be legallie tryed and decided before the judge competent, as the said letter more fullie proports. Quhilk being read, heard and considderit be the saids Lords they out of thair dewtifull obedience of his Majesteis directioun ordains the said letter to be insert and registrat in the bookes of Privie Counsell and ane authentick extract thairof to be delyvered to the Lords of his Majesteis Exchecker to remaine with thame as ane warrand for staying the passing of anie suche gift as is mentiouned in the said letter heerafter, of the quhilk letter the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. We have beene humbelie moved in behalfe of our free burghes of that our kingdome that we might be pleased to caus preserve thair liberteis and priviledges as our lait deir father did and as we have hitherto done, to whiche purpose thair humble sute is that they suffer no prejudice heerin by a commissioun grantit by us for trying the priviledges of the office of High Constabularie of that kingdome if anie new patent be grantit thereupon conteaning additiouns derogatorie to thair former rights and customes. As our intentioun is to caus try what justlie doeth belong to that office that according as sall be found our High Constable may injoy the same Fol. 170, b.

Acta, June 1632-June 1634. Fol. 170, b.

in suche maner as anie of his predecessours formerlie have done, so we doe not heirby intend that our saids burghes be prejudged in thair rights and priviledges whiche they have ancientlie injoyed by grants of our royall predecessours; therefore our pleasure is that no new gift be exped tuicheing the said office of constabularie, if anie heirafter sall be presentit unto yow, till the commissioners of our saids burghes be first lawfullie cited and heard to object aganis the same, and if anie questioun sall arise anent thair liberteis and priviledges that yow stay the passing of the said gift in so farre as concernes the differences betuix our High Constable and thame conteanit in the said gift untill they be legallie tryed and decyded before the judge competent, to quhom we will that the tryell thereof be remitted. So we bid yow heartilie farewell. Frome our Court at Oatlands, the last day of July, 1632. Followes the directioun on the back of the missive:—To our right trustie and right weilbelovit cousine and counseller, to our right trusty and weilbelovit cousines and counsellers, and to our right trustie and weilbelovit counsellers, the Vicount of Dupline, our Chanceller, the Erle of Stratherne, President of our Privie Counsell, and remanent noblemen and others our privie counsellers of our kingdome of Scotland."

Fol. 171, a.

"Forsameekle as in the course and order prescryved and sett doun for the monethlie attendance of the Commissioners for the Surrenders upon that charge concredite unto thame, George, Erle of Wintoun; George, Bishop of Orkney; Androw, Bishop of Gallouay; Adam, Bishop of Dumblane; Robert, Lord Burlie; John, Lord Wemes; the provest or commissar clerk of St. Andrewes, and Duncan Forbes, burges of Invernes, wer appointed to attend for the moneth of Januar nixt; and Alexander, Bishop of Dunkelden; Adame, Bishop of Dumblane; Johne, Bishop of Caithnes; Johne, Erle of Lauderdaill; Johne, Lord of Loudoun; David, Lord Carnegie; Johne M^cNacht, Johne Cowane, and M^r Robert Cuninghame, wer appointed to attend for the moneth of Februar nixt: quhilks moneths being now approacheing necessar it is for the forderance of that service, whilk hes had so manie delayes and continuatiouns, that the commissioners foresaids give thair attendance preciselie, so that this service quhilk his Majestie so earnestlie affects for the good of the Kirk and countrie be no longer frustrat; thairfoir the saids Lords ordains letters to be direct charging the commissioners foresaids to attend and await upon the said Commissioun the moneths respective foresaids allowed and appointed to thame and not to absent thameselffes therefra without a seene and notour caus to be allowed be the Commissioun, with certificatioun to thame that attends not letters sall be direct simpliciter to denunce thame rebells, etc."

Letters to be addressed to the Commissioners for the Surrenders requiring their attendance at the next meeting of the Commission.

Sederunts, November 1629-January 1635. Fol. 94, a.

"The quhilk day the Lords of Secreit Counsell recommends M^r James Maxwell his poore and indigent estait to the charitable considerationn of the nobilitie and counsellers."

Edinburgh, 13th December 1632. Mr. James Maxwell.

Edinburgh, 14th December 1632.

Letter from the Council to the Earl of Linlithgow anent John Brown, who is accused of trading with a pirate, knowing him to be such.

"After our verie heartilie commendatiouns to your good lordship. We have seene and considderit your lordships letter directed to the Erle of Hadintoun anent these who made merchandice with the pirat who latelie arryved in the west seas and speciallie anent the behaviour and cariage of Johne Broun, who not onelie dealt for himselfe in this bussines bot for a nomber of others who furnished moneyes to thair behove and use upon certane knowledge that the shippe wes a pirat, and who himselfe saw and knew the men of Glasgow, who wer taken and tortoured be the pirat, and the men of Air who wer lykewayes takin, and the Dutche shippe whiche lost her loadning of timber; and we allow of your lordships opinioun that this Broun sall be putt to his criminall tryell after examinatioun tane of him be whome he wes imployed in that earand and whome he knowes to be guiltie of the unlawfull traffiquing with the pirat, bot we thinke it not meit that he sall be examined upon oath, and thairfoir we allow that your lordship sall putt him to his tryell criminallie according to the course of law and justice and that yow sall reserve the pronuncing of sentence and doome till his processe be exhibite to his Majesteis Counsell and that your lordship receave thair opinioun and directioun anent the doome. Your lordship sall lykewayes exhibite with the processe the examinatiouns and depositiouns of this Broun to the intent the Counsell, after consideratioun thairof, may acquaint your lordship what they thinke fitt to be prosecute and followed out aganis the others who bought and to whois use the goods wer bought. And so with the remembrance of our best affectiouns, committing your lordship to the protectioun of God, we rest, etc. Edinburgh, 14 *Decembris*, 1632. *Subscribitur*, Hadintoun, Wintoun, Lauderdaill, Air, Gordoun, Dumblane, S^r^ Thomas Hop." Royal Letters, 1623-33. Fol. 224, b. Fol. 225, a.

Edinburgh, 18th December 1632.

Sederunt—Privy Seal; Gordoun; Carnegie; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 171, a.

Commission to John Gordon of Buckie to apprehend Mary Borthwick, leman of John Toshoche, and present her before the Council.

"Forsameekle as there is manie cleere and pregnant presumptiouns that Marie Borthuick, lemman to Johne Toshoche, prisouner in the tolbuith of Edinburgh, hes beene privie to all his actions and courses since his first imprissoning, and that she can give a great light in manie things quhilks may tend to the discoverie of the maters whairof the said Johne Toshoche is suspect guiltie, thairfoir the Lords of Secreit Counsell gives warrand and commissioun be thir presents to Johne Gordoun of Buckie to pas, searche, seeke and take the said Marie Borthuick wherever she may be apprehendit, and to bring and exhibite her before the saids Lords to be examined anent the premisses; and all things necessar for her apprehensioun to doe whiche by law and justice may lawfullie be done: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin."

ɔderunts, ovember 529-January 535. ol. 94, b.

Edinburgh, 18th December 1632. Continuance of protection to Sir John Scot of Newburgh with the consent of Andrew Scott, chirurgeon, burgess of Edinburgh, one of his creditors.

"The Lords of Secreit Counsell with consent of Andro Scot, chirurgeon, burges of Edinburgh, ane of the creditors of Sir Johne Scot of Newburgh, prorogats and continewes the warrand formerlie grantit to the said Sir Johne for his saulf repaire in the countrie till the last day of Februar nixtocome, with this declaratioun and under the conditioun and provisioun efter following that if the said Sir Johne betuix and the said last of Februar sall not make payment to the said Andro of the sowmes of money indebted unto him and failyeing thairof to putt him in the peaceable possessioun of his lands, that upon report of the said Sir Johne his breache and contraventioun, the said protectioun sall be voyde and no forder prorogatioun sall be grantit unto him in tyme comming."

ıcta, June 632-June 634. ol. 171, b.

Edinburgh, 20th December 1632.

Sederunt—Privy Seal; Annerdaill; Lord Gordoun; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.

Charge to Sir William Cockburn of Langton and others to take possession of the house of Elbaack, anent which there is dispute between Sir Alexander Nisbet and his spouse, Dame Katharine Swinton, on the one part, and Mr. Alexander Swinton of that Ilk on the other part.

"Forsameekle as the Lords of Privie Counsell ar informed that there is great appearance of trouble and unquyetnes lyke to fall out betuix Sir Alexander Nisbet of that Ilke and Dame Katharine Swinton, his spous, on the ane part, and Mr Alexander Swintoun of Hiltoun, brother to umquhill Johne Swintoun of that Ilke, on the other part, anent the possessioun of the place and hous of Elbaack acclamed be both the saids parties to perteane, the said Dame Katharine acclaming the same as sister and air of lyne to the said umquhill Laird of Swinton and the said Mr Alexander Swintoun claiming the hous to perteane to him as air of tailyie to umquhill Robert Swintoun of that Ilke, his father, or to the said umquhill John, his brother, or ane or other of thame; and the said Mr Alexander having violentlie acquired the possession of the said hous he hes fortified the same with men and victuallis and intends with the lyke violence to mainteane the possessioun of the same hous; and the said Laird of Nisbit with the concurrence and assistance of his freinds intends to use his best endeavoures to recover the said hous backe againe fra the said Mr Alexander, quhairupon great inconveniences ar lyke to fall out betuix thame to the breake of his Majesteis peace without remeid be provydit. And thairfoir the Lords of Secreit Counsell hes nominat and appointed and with that gives power and commissioun be thir presents to Sir Williame Cockeburne of Langtoun, Sir Johne Home of Blacader and Johne Home of Rentoun, conjunctlie, as neutrall and indifferent persouns, to pas and take the said hous and to remove all persouns furth of the same, and to make ane perfyte inventar of the whole goods and geir being within the said hous, and alsua to close and stampe the cabinets, lettrons and coffers wherein the said umquhill Laird his letters, writts, evidents, moneyes and jewellis ar, and to keepe the said hous, goods, trunckes, coffers, cabinets and lettrons till they understand the saids Lords thair forder pleasure thereanent: and ordains letters to be direct charging the havers, keepers and deteaners of the said

hous to rander and delyver the same with the goods and geir being thereintill to the saids commissioners within three dayes nixt after the charge, under the pane of rebellioun, etc., and if they failyie to denunce and to escheit, etc." Acta, June 1632-June 1634. Fol. 171, b.

Order to Mr. James Farquharson, agent for the Marquis of Huntly, to pay their allowances to John Meldrum and John Toshe.

"The Lords of Secreit Counsell decernis and ordains M^r James Ferquharsoun, agent for the Marqueis of Huntlie, who wes personallie present, to make payment to Johne Meldrum and Johne Toshe of thair allowance and modificatioun dew unto thame for byganes, and to make payment to thame of the same weekelie in tyme comming quhill the first day of Marche nixtocome." Sederunt, November 1629-January 1635. Fol. 94, b.

Edinburgh. 20th December 1632. Letter of Council to the burghs of Perth, Dundee, Brechin, Montrose, St. Andrews, Linlithgow, Stirling, Dysart, Dunfermline, Kirriemuir, Musselburgh, and Dalkeith, anent fed cattle in view of his Majesty's coming visit.

"After our verie heartilie commendatiouns. Whereas the Kings Majestie is resolved, God willing, to honnour this his ancient kingdome with his royall presence this ensewing yeere, and it being verie necessar for the credite of the countrie that all things concerning his contented receptioun heere be tymouslie foreseene and amongs others things that tymous provisioun be made of fed nolt, we must thairfoir lay a part of this bussines upon yow, and will heirby requeist yow to advise and resolve what nomber of fed nolt yow will undertake to furnishe and have in readines aganis his Majesteis heerecomming, for the quhilks yow sall receave readie and present payment; and that you will certifie us thairof by your letter upon the tent day of Januar nixtocome. Quhilk looking assuredlie yow will doe, we committ yow to God. Frome Edinburgh, the twentie day of December, 1632. *Subscribitur*, Hadintoun, Annerdaill, Gordoun, B. Yles, Arch. Achesoun." Royal Letters, 1623-33. Fol. 225, a.

Edinburgh, 21st December 1632. Letter to Lord Erskine anent certain furnishings of his Majesty's wardrobe.

"After our verie heartilie commendatiouns to your good lordship. Whereas the Kings Majestie hes givin order and directioun that all his hingings, plait and houshold stuffe sall be collected and drawin togidder in his Majesteis wardrop to the intent the same may be furthcommand for his Majesteis use and service at all occasiouns, and being informed be the keepers of his Majesteis wardrop that some of this houshold stuffe and hingings is in your lordships hands and keeping, these ar thairfoir to requeist and desire your good lordship to caus delyverie to be made to the keeper or officers of his Majesteis wardrop of suche of his Majesteis houshold stuffe as ar in your hands, and that your lordship will lett us know by your letter upon the tent of Januar now approacheing what hingings and other stuffe yow have delyvered and to whome. Quhilk looking assuredlie your lordship will doe, seing so is his Majesteis will and pleasure, we committ your lordship to God, etc. Edinburgh, 21 *Decembris*, 1632. *Subscribitur*, Hadintoun, Annerdaill, Gordoun, Dumblane, Yles, Arch. Acheson, S^r Thomas Hop."

Holyrood House, 31st December 1632.

Sederunt—Stratherne; Linlithgow; Buccleuche; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 172, a.

:ta, June 32-June 34. ol. 172, a.

"Forsameekle as ane pyrat ship having latelie in the end of the last summer arryved within the west seas of this kingdome loadned with a nomber of commoditeis and wairs pilled and reft be thame als weill frome his Majesteis awne subjects as from strangers, and they having made offer to make mercat and sale of the saids goods to all suche persons in the west parts of this kingdome as would bargane with thame thereanent, and the knowledge thairof comming to the eares of the Erle of Linlithgow, Lord Admirall, he out of the dewtie of his office made and caused publishe ane strait prohibitioun that nane sould presoome to meddle with anie of the goods being in the said pirat ship or to bargane thereanent in anie conditioun under such panes as by the lawes of this kingdome ar provided in suche caises; notwithstanding whairof it is of truthe that diverse of his Majesteis subjects als weill to burgh as land within the west parts of this kingdome, preferring thair awne privat gayne to ane good conscience and to these common dewteis of respect whilks aucht to be interteanned betuix the subjects of both kingdomes, hes not onelie by thameselffes, bot by others to thair use and behove, bought a nomber of the commoditeis and waires being in the said pirat ship, and keeped opin mercat therewith, as if the ship and goods had beene lawfull waires, highlie to his Majesteis offence and to the hurt and prejudice of his good subjects whois goods wer violentlie and be way of stouthreaffe reft frome thame be the saids pirats: And whereas his Majesteis Admirall out of the dewtie of his office is to proceed in the course of justice for recoverie of the saids goods and for making the same goods furthcummand according to law to parteis susteaning skaith and to make the delinquents answerable and furthcummand to thair tryell, thairfoir the Lords of Secreit Counsell ordains letters to be direct to command and charge all and sindrie his Majesteis lieges and subjects who hes bought or to whose use and behove anie of the commoditeis and goods being in the said pyrat ship hes beene bought, that they and everie ane of thame give up to his Majesteis said Admirall upon the particular dayes to be appointed be him and to be openlie published by his precepts ane trew and perfyte inventar of the haill commoditeis and wairis bought be thame or to thair use and behove furth of the said pirat ship, to the intent the said Lord Admirall may take such order for satisfactioun of the parteis susteaning skaith as he in the dewtie of his office sall thinke fitting; certifieing all suche persons
Fol. 172, b. as sall slight and contemne this present warning givin unto thame and sall neglect the termes and dyets to be appointed to thame be the said Lord Admirall for giving up of the saids inventars that he will proceid aganis thame for medling with the saids unlawfull goods so farre as the course of law and the justice of this kingdome will allow."

Charge to all persons who have bought goods from the pirate ship to surrender the same to the Lord High Admiral. See *ante*, p. 586.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Alexander, Erle of Linlithgow, Admirall of this kingdome, and reported unto the saids Lords the forme of his proceedings

Warrant to the Earl of Linlithgow against persons in the

west who bought commodities from the pirates.

aganis these persons in the west countrie who bought anie of the waires and commoditeis being in the pyrat ship quhilk latelie arryved in these west seas, and he craved the saids Lords thair advice, counsell and opinioun how to goe on and proceid in the prosecutioun of that bussines for assuring of the goods and making the delinquents furthcummand to thair tryell. The saids Lords having heard the propositioun foresaid of the Lord Admirall, and being therewith weill advised, and being carefull and willing to assist him with thair best advice how to proceid in these maters, the saids Lords hes allowed and allowes the said Lord Admirall, and with that gives warrand to him to proceed aganis all suche persons who hes or sall confesse the buying of anie of the commodities and waires being within the said ship frome the saids pyrats, knowing them to be pyrats, by committing of the saids persons to waird and to keepe and deteane thame in waird till he take suche order with thame for redresse and satisfactioun of the pairtie skaithed as he sall thinke meit; and tuicheing suche persons as hes or sall confesse the having or buying of anie of the saids goods bot denyes that they knew the parteis fra whome they bought the saids goods to be pyrats that then and in that caise the said Lord Admirall putt the saids persons under good cautioun als weill for thair compeirance before the said Lord Admirall as for restitution of the goods and geir or prices thairof bought be thame or to thair use and behove fra the saids pyrats, and in caise they or anie of thame refuise to find the said cautioun that than the said Lord Admirall committ thame to waird and deteane thame therein in maner foresaid." Acta, June 1632-June 1634. Fol. 172, b.

Sir John Hay of Lands admitted to the Council in place of Sir John Hamilton of Magdalens, last Clerk of Register.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented and exhibite unto thame, receaved and admitted Sir Johne Hay of Land, knight, to be ane of the ordinar nomber of the Privie Counsell of this kingdome in the place of umquhill Sir Johne Hamiltoun of Magdalens, last Clerk of Register; and to injoy all the honnours, digniteis and priviledges proper and dew to that place. Lykeas the said Sir John, being personallie present and acknowledging with most humble and dewtiful respect his Majesteis gracious favour shawin unto him in preferring of him to this place of honnour and dignitie, he in most submissive reverence upon his knees, his hand lying upon the halie evangell, made and gave the solemne oath of alledgeance and the oath of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weillbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trusty and weilbelovit counsellers, we greit yow weill. Understanding that there is a place of our Counsell vacant by the death of Sir Johne Hamiltoun of Magdalens, knight, our last Clerk of Register, and having had manie prooffes and good experiences of the sufficiencie and abilities of our trustie and weilbelovit Sir Johne Hay of Lands, Fol. 173, a.

Acta, June 1632-June 1634. Fol. 173, a.

knight, and of his goode affectioun to doe us service, we ar moved in regarde thereof, and for his better encouradgement and enabling for our said service, to advance and promote him to be one of our Privie Counsell of that our kingdome. Thairfoir our pleasure is and we doe heirby require yow that, having administred unto him the oath accustomed in the lyke caises, yow admitt him to be one of our Privie Councell, receaving him in that place as one of your nomber; for doing whairof these sall be unto yow sufficient warrand. We bid yow heartilie farewell. Frome our Court at Whitehall, the 12th of December, 1632."

The Lord President of the Council produces his Majesty's patent for the appointment of Sir John Hay to be Clerk of the Register and Rolls.

"The whilk day William, Erle of Stratherne, Lord President of his Majesteis Privie Counsell, produced and exhibit before the Lords of Privie Counsell ane patent under his Majesteis greate seale, bearing dait at Whitehall the 12th day of December instant, by the quhilk patent his Majestie in remembrance of the manie good services done to his Majestie and his umquhill father of blessed and eternall memory by his trustie and weilbelovit Sir Johne Hay of Lands, knight, wes pleased to make choise of him to be Clerk of his Majesteis Registers and Rollis, and gave and dispouned unto him the office thairof with all the digniteis and priviledges belonging thereto in maner specifeit in the said patent. Lykeas the said Sir John being personallie present the said Lord President of his Majesteis Counsell delyvered the said patent to him, whilk he with all dew reverence upon his knees receaved, and humbelie acknowledging his Majesteis gracious favour and bountie in conferring the said place and office upon him, he promeist to use his best care and endeavours for his faithfull discharge of that place and for approving himselfe worthie of the trust whilk his Majestie had beene pleased to repose in him, and thereupon gave his oath."

Fol. 173, b.

Warrant for delivery of the keys of certain rooms in the Castle, etc., to the Clerk Register, Sir John Hay.

"The whilk day William, Erle of Stratherne, Lord President of his Majesteis Counsell, presented and exhibite before the Lords of Privie Counsell the missive letter underwrittin signed be the Kings Majestie and directed to the saids Lords tuicheing delyverie to be made to Sir Johne Hay, knight, Clerk of his Majesteis Registers, or to anie having his warrand, of the keyes of all suche places and roomes within the Castell of Edinburgh, Exchecker or elliswhere as umquhill Sir Johne Hamilton of Magdalens, knight, lait Clerk of Register, did keepe be vertew of that office, and tuicheing delyverie to be made to the said Sir Johne of all suche evidents, writts and publict records as wer in the possessioun of the said Sir Johne Hamiltoun, or aucht to be keeped be the Clerk of his Majesteis Registers, to the intent they may be made use of as occasioun sall require for his Majesteis service and the publict good. Quhilk letter being read, heard and considderit be the saids Lords and they weill advised therewith, the saids Lords ordains the said letter to be insert and registrat in the bookes of Privie Counsell and that all parteis whome it concernes be warned to heare the desire of the said letter grantit. Of the quhilk letter the tennour followes:—CHARLES R. Right trustie and right weil-

belovit cousine and counsellour, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Having beene pleased upon the considerations of the sufficiencie, qualificatioun and affectioun to our service of our trustie and weilbelovit Sir Johne Hay, knight, to admit him Clerk of Register in the place of Sir Johne Hamiltoun of Magdalens, lately deceased, our pleasure is that yow give order to caus delyver to the said Sir Johne Hay, or anie having his warrand, the keyes of all suche places and roomes ather within our Castell of Edinburgh, our Exchecker, or elliswhere, as the said Sir Johne Hamilton did keepe by vertew of that office; and that yow lykewayes give order to cause delyver to the said Sir Johne Hay suche writts, evidents and publict records as wer in the custodie of the said Sir Johne Hamilton or ought to be keeped by our Clerkes of Register that they may be made use of as occasioun sall require for our service and the publict good; for whiche these presents sall be unto yow ane sufficient warrand. We bid yow heartilie farewell. Frome our Court at Whitehall, the 12th day of December, 1632." Acts, June 1632-June 1634. Fol. 173, b.

Letter from his Majesty anent the preparations to be made for his coming visit.

"The whilk day William, Erle of Stratherne, President of his Majesteis Privie Counsell, produced and exhibite before the Lords of Privie Counsell the missive letter underwrittin, signed be the Kings Majestie and directed to the saids Lords, of the whilk the tennour followes:—CHARLES R. Fol. 174, a. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellouris, we greit yow weill. As by sindrie of our letters we have givin yow dew advertisement for causing repaire and doe suche things as wer necessarie for our reparing to that our kingdome and abode there and for causing mend the hie wayes in these places where we ar to resort, so having occasioun to direct thither our right trustie and right weilbelovit cousine and counseller, the Erle of Stratherne, President of our Privie Counsell, for these and others things concerning our service, to whome we have particularlie imparted our mynde and whome yow sall trust frome us heerin, and some other things for that purpose, it is our pleasure after yow have takin thame into your consideratioun that yow give order for effectuating thairof with als muche diligence as may be, that our said cousine may returne backe fullie instructed to satisfie us therein as we have givin him order to doe with all diligence. Whiche speciallie recommending to your care and whairof we will expect a speciall accompt, we bid yow farewell. Frome our Court at Whitehall, the ellevinth day of December, 1632. Quhilk missive being read, heard and considderit be the saids Lords they continew the order to be takin anent the particulars conteanit in the said missive till the nixt Counsell day."

MISCELLANEOUS PRIVY COUNCIL PAPERS.

JUNE 1630—DECEMBER 1632.

PRIVY COUNCIL PAPERS.

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1. Original of royal letter for continuing the commission of the Earl of Moray, printed *ante*, p. 3; addressed to the Viscount of Dupplin, the Earl of Monteith and remanent members of the Privy Council of Scotland. 30th June 1630. The commission of the Earl of Moray.

2. Original of royal letter relating to compositions of the taxation with the Burghs, printed *ante*, p. 10; addressed to the Viscount of Dupplin, Chancellor, the Earl of Morton, Treasurer, the Earl of Menteith, President, and remanent members of the Privy Council of Scotland. 3rd July 1630. The taxation of the burghs.

3. Extract of the Act of Council appointing a collection to be taken up for the sufferers by the overflowing of the Moss upon the lands of the Pows, printed *ante*, p. 25. Signed by M. G. Prymerose. 8th September 1630. The overflowing of the moss.

4. Scroll of Minutes of the proceedings of the Commissioners appointed bv the Estates regarding the Fishing, and which are printed at greater length in the Acts of the Parliaments of Scotland, Vol. V., pp. 228-233. 3rd to 11th November 1630. The Commission for the Fishing.

5. Letters of charge under the Signet at the instance of Andrew, Bishop of Galloway, against the feuars of the lands and tacksmen of the teinds of the priory of Quhittorne for payment to him of their proportions of the taxation granted in July last, which they refuse to pay without compulsion for his relief. The taxation for the first term is as follows:—Alexander, Earl of Galloway, for his lands of Stennock, £11 2s. 3d., for Portyerrock, £18 11s. 1d.; for the Mains of Quhittorne, £25; for his half of the Yle of Quhittorne, £11 2s. 3d.; Patrick Vaus, fiar of Barnbarroch, for his lands of Carletoun, Kerindone, Apiwie, Cragilmeyne, Craichdow, Outoun, Burges Outoun, Corwar, Wig, Stennock, Stewarts Wig, Curmalyew, Aurleis and Baverenoch, £133 6s. 8d.; Anthone Howstoun of Drumastoun, for his lands of Prestorie, £47 15s.; John Fleeming of Carwod, for his lands of Crugiltoun Castell, £58 6s. 8d.; and for his half lands of Crugiltoun, £15 6s. 8d.; Johne Stewart of Crugiltoun, for his half lands thereof, £15 6s. 8d.; Alexander Cuninghame, fiar of Poltoun, for his lands thereof, £37 15s. 7d.; Andrew Hannay, son and Holyrood House, 4th November 1630. Charge to the feuars and tacksmen of the Priory of Whithorn to pay to the Bishop of Galloway their share of the taxation appointed in July last.

heir of the deceased Archibald Hannay of Quhytehills, for their lands of Quhytehills, £8 17s. 9d.; Mr Gilbert Gordoun of Shirmes, for his lands of Glenswintoun, £14 3s. 4d.; Robert McCulloche of Barsmythe, for his lands thereof, £18 6s. 8d.; John Martine of Skedocke, for his lands of Skedocke and Stennocke, £10; Thomas Blaine of Wig, for his lands of Wig, £11 2s. 3d.; Hew Kennedie of Little Arreis, for his lands thereof, £12 9s.; Harry Hauthorne of Meikle Arreis, for his lands thereof, £12 6s. 8d.; John Murrey of Brouchtoun, for his lands of Outoun Chapell and Outoun Gallows, £33 6s. 8d.; Mr Andrew Stewart for his lands of Wignegarne, £15; Thomas Kennedie of Ardmillane, for his lands of Ardmillane, £83 6s. 8d.; , Lord Kintyre, for his lands of Kintyre, £55 11s. 2d.; the heretors and possessors of the crofts of Whithorne, £6.; Neill Montgomerie of Langschaw, for his teinds of the the kirk of Kirkmichaell, £80 11s. 1d.; John Murrey of Brouchtoun, for his teinds of Brouchtoun Skeoche, Brouchtoun Waill, Outoun Gallowes and Outoun Chappell, £18 6s. 8d.; James McCulloch of Drummorell, for his teinds of Drummorrell, £12; and Alexander, Earl of Galloway, for his teinds of the kirks and parishes of Quhittorne, Glassertoun, Crugiltoun, Sorbie, Kirkmadine, Mochrum, Toshantoun als Kirkmadine, Clashant, Kirkdaill, Kirkanders, Borg and Glestoun, £281 18s. 11d. They are to pay these sums within twenty days after being charged, under pain of horning. For the sake of any of these persons who are out of the country proclamation is to be made of the letters at the market-cross of Edinburgh and at the pier and shore of Leith for payment within sixty days. (Signed) "Ja Prymrois." A note on the margin states that the letters were produced on 4th January, 1631, at Edinburgh by John Logane, messenger, and recorded in the Books of Counsell by Mr. Alexander Skene, clerk depute to Sir John Hamiltoun of Magdalens, knight, Clerk of our Soverane Lords Register, Council and Rolls. (Signed) "M. A. Skene." It is also noted on the back that execution was made at Edinburgh and Leith on 7th January, 1631; witnesses,—at Edinburgh, Robert Dalgleishe, messenger, and Walter Lyesk, pursuivant, and at Leith, George Gordoun, messenger, and James Hird inEdinburgh.

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Holyrood House, 9th August to 12th November 1630.

6. Note signed by J. Prymrois of the agreements made with the burghs as to their extraordinary taxation, viz.:—

Sums paid by certain burghs as composition for their extraordinary taxation.

Edinburgh,	9th August	1630,	for £40,000.
Aberdein,	„	„	for £1450 yearly.
Linlithgow,	9th September	1630,	for £163 2s. 6d. yearly.
Stirline,	„	„	for £422 17s. yearly.
Dumbar,	„	„	for £90 15s. yearly.
Glasgow,	„	„	for £815 12s. 6d. yearly.

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Culros,	4th November 1630,	for £84 10s. yearly
Cannogait,	„ „	for £100 yearly.
Hamiltoun,	„ „	for 100 merks yearly.
S[t] Andrewes,	12th November 1630,	for £490 yearly.

7. Supplication by George Ros, merchant burgess of Edinburgh, as follows:—In October, 1629, he went to Ingland in the course of his wonted trade and purchased certain packs of cloth, of which, upon his way home, he sold two and a half in the burgh of Haddingtoun. The customs officers of Edinburgh sued him for the customs due upon these, but he suspended the process, lodging the sums claimed in the hands of Mr. John Skene, clerk to the Exchequer, until the matter should be legally discussed by the Lords of Exchequer, which has not yet been done. Nevertheless Patrick Baxter, one of the said officers, out of an extraordinary and causeless hatred against the pursuer, when he in October last had again returned from Ingland, and sent his whole packs of cloth to be "customet," and had paid the duties, kept up and still detains from him ten sticks of cairsey worth £40 or £50 sterling, and so has spoiled his sale of the same. He craves that the said Patrick may be called to answer for this. On the back "Apud Halyrudhouse, xvj Novembris, 1630. Fiat ut petitur, Geo. Cancell[s]., I. P. D." Also endorsement of execution by Mr. William Dowglas, macer, on 18th November, against the said Patrick Baxter, personally apprehended; witnesses, James Dowglas, macer, and Alexander Dowglas, son to Mr. William Dowglas, advocate. [Signed] "M. W. Dowglas, maissar." Also noted on the document "xviij Novembris, 1630, pairtyis personalie; Remittis to the Exchekquer."

Holyrood House, 16th November 1630. Supplication by George Ross, merchant burgess of Edinburgh, that Patrick Baxter, one of the officers of customs of Edinburgh, may be called to answer for detaining certain goods of the supplicant.

8. Fragment of a petition by James [Crichtoun] of Frendraught and Dame Elizabeth Gordoun, his spouse, as follows:—Their Lordships know the malicious aspersions made by Margaret Wode against the said lady and others, the said lady being "a gentlewoman of good birth and qualitie," and the preservation of whose credit should be of weight with their lordships and "tenderlie handlit." She therefore humbly intreats that for her vindication and for cleering the truth of "that dark and hiddin misterye" their lordships would call the said Margaret Wode before them and examine her upon three short interrogatories which the supplicant would hand in. Likewise the said Laird of Frendraught intreats that their lordships would examine John Toshe, his late master of household, putting him to the torture if necessary, and allow the supplicant to be present and examine the said John Toshe, whose declaration so nearly concerns him.

c. December 1630. Petitions by James Crichton of Frendraught and Dame Elizabeth Gordon, his spouse, that Margaret Wood and John Toshe may be brought before the Council and examined in the interest of the petitioners.

9. "My Lord Proveist, bailleis and counsall of Edinburgh, Unto your wisdomes in all humilitie meanes and shawis we James Hoome, Johne

8th December 1630. Letter of

submission to the Magistrates of Edinburgh by James Home and others.

Luikup, David Robertsoune, Mr Johne Elphinstoune, Alexander Hay, David Jamesoune, James Johnstoune, Johne Smettoune, and Henry Chryistie, inhabitants within the toun of Leith, for our selfis and in name and behalfe of the remanent nychtbouris in Leith, that quhair accordinge to the directiouns givin to us yisterday be the Lordis of his Majesteis most honourabill Privie Counsall of this kingdome, and to testifie our dewtie to yow of our awin dispositiounes, we ar come to your wisdomes to treatt and sattle all quæstiounes betuixt us, and that we may be the moir abill to give your wisdomes all content possible in ressoune, we humblie intreatt your wisdomes to condiscend in wreitt quhat dewtie or uther thinge is requyrit of us be yow, and give the same to us, and we sall straine our selfes to give all content for avoydinge all quæstiounes and debaittis betuixt us quhairby we may live as peaceabill subjectes and we doe all deutie that apperteines to your wisdomes, quich we ar most reddie and willinge to doe; and your wisdomes ansueir." Miscellaneous Papers.

Holyrood House, 9th December 1630.

10. "Apud Halyrudhous nono die mensis Decembris, anno Domini millesimo sexcentesimo tricesimo.

Annulment of a previous act of Council anent the storing of victual in Leith.

"Forsameekle as the Lords of Secreit Counsell having by ane act and ordinance of Counsell, bearing dait the first day of Apryle last, found it meit and expedient, concluded and ordained, for certane reasons specified in the said act, that the executioun of ane decreit recovered at the instance of the provest, bailleis and counsell of Edinburgh before the Lords of Sessioun aganis certane of thair vassallis, inhabitants of the toun of Leith, tuicheing thair girnelling of victuall sould be stayed for ane certane space, as the said act beiris; and whereas the tyme of the making of the said act the decreit foresaid of the Lords of Sessioun wes not produced nor showne to the saids Lords of Privie Counsell, so that they knew not that the decreit foresaid wes anie forder extendit bot to the girnelling of victuall allanerlie, and they having now seene the said decreit and finding manie others points, heids and clauses thairin concerning the liberteis and priviledges of the said burgh, whairwith the saids Lords intendit not to meddle nor to stay the executioun thairof in anie point, thairfoir the Lords of Secreit Counsell for obedience of his Majesteis missive letter writtin and directed unto thame in this mater hes rescindit, and be the tennour heirof rescinds and annullis, the act foresaid made anent the stay of the executioun of the said decreit in the whole points, clauses and members thairof, except in that point foresaid anent the girnelling of victuall, whiche being a mater of State concerning the whole lieges both in the consequence and exemple, altho the decreit be recovered aganis three persouns of Leith, the saids Lords ordains thair former act in so farre as may be extendit to the girnelling of victuall to stand still in force unsuspendit, and discharge [*sic*] conforme to the tennour thairof; and allowes the provest and bailleis of Edinburgh

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to caus putt thair decreit in the whole remanent points thairin conteanit to dew executioun conforme to the tennour thairof. *Extractum de libris Actorum Secreti Consilii S. D. N. Regis per me, Jacobum Prymrois, clericum ejusdem, sub meis signo et subscriptione manualibus.*

(Signed) JACOBUS PRYMROIS."

11. Letters of Summons at the instance of Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, charging James Gordoun of Letterfourie, Margaret Gordoun, his wife, William Fraser of Craigtoun, Patrick Gordoun of Kincragie, James Forbes of Blacktoun, Alexander Irwing of Beltie, Isobel Irwing, his wife, Alexander Leslie in Gowall, Alevander Gordoun, apparent of Carneborrow, John Leslie, sometime of New Leslie, Alexander Leslie of Conrache, Margaret Gordoun, goodwife of Cormellat, William Hay of Fotterletter, Lilias Gordoun, his spouse, James Con in Knockemylne, John Gordoun in Cohorrache, and Janet Harper, his wife, who are not only excommunicated by the Church for nonconformity, but are also denounced rebels for their contempt of the said censure for many years, and who, though in June and July last they were exhibited before the Council by Lord Gordoun, and gave caution for either conforming or leaving the country, have returned to their houses and continue in their scandalous life, to enter their persons in ward within the Castle of Blacknes within fifteen days after being charged thereto on pain of being held to be traitors, and forfeiture as such.—(Signed) JA. PRYMROIS.

Holyrood House, 23rd December 1630. Summons to James Gordon of Letterfourie and others, all contumacious Papists, to enter into ward at Blackness Castle.

12. Summons in the action by the Lord Advocate against William Fraser of Craigtoun, and others excommunicated for Popery which is dealt with by the Council on 9th June 1631 (see *ante*, p. 231). Signed by "JA. PRYMROIS," while on the margin is marked a note of those present and absent at hearing.

Holyrood House, 23rd December 1630. William Fraser of Craigtoun and other excommunicated Papists.

13. Summons in the action against Magdalene Wod and other women charged with Popery and reset of priests—dealt with by the Council on 9th June 1631 (see *ante*, p. 230). Signed "JA. PRYMROIS." A note of those present and absent is given on the margin, with this addition, "Continewis for Lessindrum."

23rd December 1630. Magdalene Wood and others charged with Popery.

14. Acquittance by Mr. Samuel Johnestoun of the Scheanes, to James Prymrois, Clerk of Council, for £720, consigned in his hands by Alexander Clerk, provost of Edinburgh, as the price of the teinds of his lands of Quhythous, and for £36 as the interest of the said sum from Whitsunday to Martinmas last: which sum he promises to make forthcoming in 1631 to be dealt with by the Commissioners for Surrenders and Teinds; dated at Edinburgh, 28th December, 1630, before the following witnesses, Robert Prymrois, son to the said James, John Ritchie, burgess of Edin-

Edinburgh, 28th December 1630. Acquittance by Mr. Samuel Johnstone of the Sciennes to James Primrose, Clerk of Council, for a sum of money consigned to the said

James's hands by Alexander Clerk, Provost of Edinburgh.

burgh, and Mr. John Callender, servitor to the said James Prymrois. Signed by M. S. Johnestoune, and the witnesses. Miscellaneous Papers.

c. December 1630. Supplication by the magistrates of Edinburgh anent the storing of victual in Leith.

15. Supplication by the provost and bailies of Edinburgh as follows:—Referring to the rescinding of the Decreet obtained by them from the Lords of Session against certain inhabitants of Leith (see *ante*, p. 598) they say, "We consaved that your lordships had rescinded and annullit the said totalie according to the directioun and meaneing of his Majesteis letter, bot we find be the extract offered unto us that it is onlie restrictit to three personis for debaring of thame frome girnelling of victuall whilk we tak to be far aganis your lordships meaneing, seeing thir three personis could never clame any forder previlege in Leethe nor ony others of the inhabitantis thairof. And whereas this restrictioun of the said act leavis a dure oppin to bussie people to hald us in a continuall tormoyle and fashrie, quhairof your lordships hes had some prooffis thir yeiris bigane, and seeing we crave no thing bot with the reservatioun of our liberteis to live in peace and quietnes, our humble petitioun unto your lordships is, that your lordships wald rescind your lordships act foirsaid in the wholl without ony restrictioun conforme to his Majesteis directioun."

c. January 1631. Supplication by James Home and others, on behalf of the town of Leith, anent the same.

16. Supplication by James Hoome, John Luikup, David Robertsoune, Mr. John Elphinstoune, Alexander Hay, David Jamesoune, James Johnstoune, John Smettoune and Henry Chryistie in Leith for themselves and on behalf of the town of Leith, as follows:—In March last, 1630, the town of Edinburgh obtained a decreet from the Lords of Session "working againes us, the haill liedges and publique good of this kingdome, cheiflie anent girnelling of victuall, baiking bread, buying and selling of forraine and cuntrey commoditeis as unfriemen and utheris thairin conteyned." The Lords of Council had cited the supplicants before them on 9th December last only to give account, as they believed, of their proceedings with Edinburgh, but at the instance of Edinburgh the Lords had required them instantly to give in reasons why their Lordships' act made anent girnelling of victual should not be rescinded. Being unprepared, the supplicants could not so fully set forth their reasons as the great importance of the matter required. As the town of Edinburgh are proceeding by petitioning the Council and will also "by sinister informatioun" endeavour to obtain from his Majesty private warrants to the Council for rescinding of their said act they crave leave to present some few reasons "quhy your lordships act cannot be rescindit in no tyme comming butt stand in force for ever," which they pray that their lordships would read and consider and give command to their clerk that whenever there shall be a demand for the rescinding of the said act, he present and read this their humble supplication and reasons herewith produced, and warn them to compear for maintaining the same and adding

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thereto as may be necessary. Further, because the Lord Advocate is assessor and daily procurator for Edinburgh, and pleaded against the petitioners in this matter, and daily consults against them; and because Sir James Baillie of Lochend gives partial counsell, and solicited the Lords of Session for obtaining the said decreet in favour of Edinburgh; and because Sir Archibald Achesone, his Majesty's Secretary, also gives partial counsell and consults against them, the petitioners crave that they may be declined and removed in all causes betwixt Edinburgh and them according to the laws of this kingdom.

17. "Ressones presented be the toun of Leith for thameselfes and behalfe of the haill liedges and publique good of this kingdome to the Lordis of his Majesteis most honourabill Privie Counsell of this kingdome aganis the toun of Edinburghs petitioun anent the rescindinge of the Act of Secreitt Counsall given be the saidis Lordis againes the decreitt obteyned be the toun of Edinburgh before the Lordis of Sessioun in March, 1630.

c. January 1630. Reasons presented by the town of Leith to the Council anent the same.

(1.) Your Lordships act being most maturlye and deliberatlye, as the said act beiris, and importinge intollerabill præjudice to the toun of Leith, haill estait of this kingdome, and the publique good thairof, and the toun of Edinburgh compeirand personallie be thair magistrates, as your Lordships can beir recoird, being dispute contentiouslie in your Lordships presence, cannot be rescindit, becaus the same was givin *in foro contradictorio*, and that thair is nothing now proponed quhilk wes not ressoned befoir.

The Council cannot rescind its own act because it was given *in foro contradictorio*.

(2.) It concernes your Lordships in honour and justice and as fatheris of the commounwealth under his Majestie to advert to the gritt præjudice in rescindinge thairof, and to maintaine that quich your Lordships hes done so advysedlye and honorablye, being of so gritt importance.

The rescinding of it would be of great prejudice to the commonwealth.

(3.) The said act being so deliberatlye done be your Lordships, quho is intrusted be his Majestie to advert to the præjudice of the haill estait, aucht not to be rescindit be no law or ressone or any privat warrand, gif any be procured or heirafter sall be procured fra his Majestie in the contrair for rescinding thairof, quhilk onlie can be done by sinister informatioun of the toun of Edinburgh quha is butt ane subject and pairtie againes the publique good of the haill kingdome, his Majestie never having hard the æquitie and importance of the said caus debaitted in his Majesteis royall presence be all pairties having entreis, and having doubtles, as we conceawe, committit the advancement of the publique good to your Lordships speciall and tender cair, and to resist the præjudice thairof intendit be any persoune or subject under quhatsomever prætext.

The act can be rescinded by no just law or reason.

(4.) Your Lordships act working in favoures of the nobilitie, gentrie, communalitie and Leith cannot be taken away *brevi manu* without lawfull citatioun to ane certane day to compeir befoir your Lordships to heir and sie the same rescindit or giwe in ressounes in the contrair, quich as

The act cannot be rescinded without lawful citation of parties.

yit is not done be the toun of Edinburgh, becaus Edinburgh decreitt extendis be the consequens againes all.

If the original act of Council be rescinded, the act rescinding it may be rescinded in turn.

(5.) Your Lordships act cannot be rescindit nather can any medium or suirtie be found to the liedges and publique good of this kingdome without ane declaratour againes Edinburgh decreitt and mainteaninge your Lordships act. For gif the said act sall be rescindit and Edinburgh only acted to use executioun be your Lordships advyise, it is impossible that be ane act they can be tyed be ressoune all thair richtis, priviledges and decreittis ar conceiwed to proveist, baillies, counsall and communitie, quich all will not consent, nather can the consenter to the act be oblissed butt *durante officio* and not for his successoris and communitie, and so be dew cours of law will annull your Lordships act, as was cleirlye pleaded in your Lordships presence the last Counsall day be the magistrates and toun clerk of Edinburgh; lykas they may waitt upon summe extraordinar tyme to tak advantage and gett the Lordis of Counsallis consent, and so your Lordships first and second act sall be utterlye extinct and the haill liedges undone; and so thair can be no suirtie gif your Lordships first act be altered or innovat be anie medium butt as it is first conceiwed.

The act cannot be rescinded because it would imply the ruin of many thousand true subjects.

(6.) The said act cannot be rescindit becaus the toun of Edinburgh intendis nothing butt the ruine and destructioune of many thowsand trew subjectis quha lives be such meane commoun cuntrey callinges as baiking of bread, making of malt, aill and beer, toppinge, wentinge and sellinge the same, quho cannot haif the said priviledge except they buy wictuall and cannot buy wictuall except they be priviledgit to girnell the same for conservatioun to the maintenance and use of liedges and strangeris.

Since it is lawful to buy and sell victual, it is lawful also to store it.

(7.) It being lawful be dyvers acts of Parliament to buy and sell wictuall, be consequens it is laufull to girnell and keip the same, as said is. Wictuall being *corpus* must be keiped and detined in ane plaice be the buyeris and selleris.

There could be no accommodation for strangers in Leith, if it were forbidden to store victual.

(8.) It is laufull be dyvers acts of Parliament that in all throche fairinge tounes thair be hoslaries, innes, furnitoure and intertainement for man and beast, butt so it is Leith being ane of the principall throche fairing tounes of this kingdome for liedges and forraine straingeris cannot haif the samyen except they be priviledgit to buy wictuall and haif girnellis and houses to keip the same for maintenance and intertainment as said is.

The families of many burghers in Leith would starve if they were not allowed to store victual.

(9.) The toun of Leith being ane of the grittest tounes of this kingdome not tollerate to use the trade and trafficque of burgesses, having na uther maintenance to maintaine thair wyfis, childrein and familie quich wald sterve gif they were debarred fra buying wictuall, baiking bread, making malt, aill and beer, toppinge, wentinge and sellinge the same, quich they ar be consequens and *revera*, gif they be not priviledgeit to girnell wictuall.

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(10.) The said act cannot be rescindit becaus the toun of Leith hes ever bein in peaceabill possessioun, sence ever it was a toun, to buy and sell wictuall and girnell the same, baik bread, mak malt, aill and beer, top, went and sell the same, and the pretendit warrand of this decreitt is ane alledgit strainge kynd of wreitt alledgit granted be ane of the Lairdis of Restalrig, not subscryvit be him, not having witnesses, conteyninge no holding nor dewtie. The act cannot be rescinded because Leith has always had the privilege of storing victual.

(11.) The said act cannot be rescindit becaus not only the toun of Leith hes ever bein in peaceabill possessioun heirtofoir, butt the same wes niver cravit or urged be Edinburgh sence the granting of the said pretendit warrand of the said decreitt, quhilk is abowe tua hundreth yeiris sence, and so being dead so long cannot now tak effect in præjudice of the toun of Leith, the haill stait and publique good of this kingdome. The pretended warrant of Edinburgh against the storing of victual in Leith has been in desuetude for 200 years.

(12.) The said act cannot be rescindit becaus if we be not sufferit to girnell wictuall, baik bread, mak malt, aill, beer, use hoslaries, top, went, buy and sell the same *per consequens* we ar defrauded of buying of wictuall, becaus by and attour our sustenance we offer to prowe we buy and wentis yeirlye within the said toun sex and fyiftie thowsand bowis of wictuall, quhilk will infer not onlie ruine to us butt intollerabill præjudice to the nobilitie, gentrie and haill liedges of this kingdome, being defrauded of the seall of thair pryme commodities." If Leith is forbidden to store victual, it will thus be prohibited from buying it.

(13.) The said act cannot be rescindit becaus gif Leith be dischairgit of girnelling, be consequens of buying, and so the pryme commoditie of wictuall sall be monopolized againes the lawes and publique good of this kingdome and the seall of all wictuall coft or sold in Leith to fywe or sax wictuall mongeris of Edinburgh, and so they sall inforce all men to sell at such cheape rates as they pleas and exact exorbitant pryces fra the buyers quhen they pleas and consequentlie mak ane artificiall dearth and cheapnes at thair pleasure, in regaird nain may girnell butt the wictuall mongeris of Edinburgh, and so consequentlie no buying to utheris allowit. The result also would be that Edinburgh would have a monopoly and would create artificial prices.

(14.) The said act cannot be rescindit becaus the act of Parliament allowes girnelling of wictuall except to ane dearth, quhilk act of Parliament is posterior to the servitude granted be the Laird of Restalrig to the toun of Edinburgh, and the commissionar of the toun of Edinburgh being ane voter in that parliament as in all uther parliaments, butt any restrictioun of the servitude grantit be the Laird of Restalrig to the toun of Edinburgh over the toun of Leith. By act of Parliament the storing of victual is allowed except in times of dearth.

(15.) Gewand and no grantand the said act were rescindit the extensioun of thair decreitt cannot be extendit butt over thair awin wassalis, and the tuo pairt of the toun no being thair wassalis sould be exempted, quhilk is not now be thair decreitt obteyned befoir the Lords of Sessioun recalled be your Lordships ordinance. Edinburgh has the right only of preventing their own vassals from storing victual.

If Leith be prohibited from storing victual, Edinburgh would dictate its own prices to the nobility and gentry who have victual to sell.

(16.) Gif the said dischairge of girnelling were allowit againes the toun of Leith the bringeris of wictuall to Leith, having no priviledge to girnell wictuall butt under the priviledge of Edinburgh, and the toun of Leith being forcit to imploy thair girnell houses to fyire houses and uther uses and the girnellis of Leith being in the handis of the toun of Edinburgh, they sould inforce the nobilite and gentrie, be keiping up of thair girnellis, to sell thair wictuall as they pleas, at least be the paucitie of thair girnellis and dearth of thair weekelie pay for the same exhaust the haill benefeitt of thair pryme commoditie of wictuall.

To prohibit Leith from storing victual would be to prohibit it from baking bread, which would be against all law and conscience.

(17.) As for the baiking of bread the said act must be sustained be the ressounes afoirsaid and be *par ratio* as in maiter of estait it is laufull to us to baik bread and sell alsweill as to mak malt, ail, beer and sell the same; and to dischairge the baiking of bread in Leith to be sold for use of liedges and straingeris is againes all law, conscience, the law of natiounes, and is inhumanitie, the lyke practique quhairof is not in this kingdome, in regard that ewrie man of Leith is not abill to giwe meit for nocht, and to giwe all men quha neidis, nather can ewrie passenger, strainger or inhabitant, speciallie the poor that hes not to maintaine thair childreine and familie fast and want bread till they go to Edinburgh and buy it.

It is lawful for Leith to import foreign victual for its own use and to sell it to its own burgesses.

(18.) As for traddinge as unfriemen with forraine commodities it is laufull to us alsweill as straingeris to bring home in gritt and sell the samyen to burgesses allanerlye and to our awin uses and not to keip the same, paying unfriemens custome as ever heirtofoir we have bein in possessioun, and is competent to us as natives, and we offer us to prowe nawayes hurtfull to the burrowes but profitable to thame and the haill estait of the kingdome; and as for cuntrey commodities it is licentiat to us to buy to our awin uses and to buy and sell to utheris speciallie of cornes, bread, wiveris, collis, pettis, lyme, sklaittis, woll, bestial, cuntrey claith, meill, malt, flour, tymber and such lyk.

The right of storing victual is enjoyed by the whole kingdom and should not be denied to Leith.

(19.) The toun of Leith cravis no moir priviledge of girnelling of wictuall, buying, making and selling the foirsaid commodities butt such as is usuall to all the kingdome and speciallie to all fewaris and wassallis of uther landislordis, quhilk meikle moir aucht to be granted to Leith, being the principall sea poirt and staple of this kingdome.

By the rescinding of the act not only Leith would suffer but all the lieges.

(20.) Gif this act be rescindit and thir priviledges not allowed to us quhilk is meirlye competent to us as natives and not hurtfull to the priviledge of burrowes and ar meer materis of estaitt, the publique and haill liedges in generall ar grittlye præjudgit, the toun of Leith consequentlie, and sall be forced to turne thowsandis of stronge idyill beggeris againes the actis of Parliament, quhilk we pray your Lordships to tak to your nobill consideratioun.

Repeittis the ressounes produced heiranent to your Lordships in the moneth of July last heirwith produced.

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And protestis that we be hard *viva voce* in your Lordships presence in the discussinge of the ressounes to explaine and maintaine the same according to æquitie, and that it sall be lawfull to us to eik, reforme and adde moir ressounes as necessitie requyris, and to this effect to be wairnit to ane certane day. Claim by Leith to be heard by the Council anent the rescinding of the act.

Ressounes given in to the Lordis of his Majesties most honorabill Privie Counsall of this kingdome be the nobilitie, gentrie and Leith, aganies the toun of Edinburgh concerninge the dischairginge the inhabitantis in Leith frome all girnelling of wictuall, etc. Reasons presented to the Council by the nobility, gentry, and town of Leith concerning the decree of the Council anent the storing of victual in Leith.

Item—That your Lordships may the moir easilie foirsee of quhat daingerous consequens this thair project is lyk to prowe not onlie to the nobilitie and gentrie butt unto all the rest of the burrowes and to the haill commounes in the kingdome, yea and to all thair awin craftismen and inhabitantis of Edinburgh, it will pleas your Lordships to considder of these few ressounes followinge. The dangerous consequences of prohibiting the storing of victual in Leith.

(1.) It is ane maxime infalliblie approved by daylie experience that the multitude of buyeris and selleris of any commodities will mak the mercattis of best advantage to these that haif occasioun to buy or sell. Now the number of the toun of Edinburgh wassalis in Leith that trade with all soirt of wictuall being about ane hundreth persounes besyidis thair families and servandis, and the burgesses of Edinburgh that trade in this kynd thair not exceidinge the tent pairt of these otheris, the præjudice of the restraint is manifest not only by the foirsaidis ods of number, quich is werie considerabill, butt also by the gritt iniquitie of the burgesses of Edinburgh daylie practises upon assurance of impunity, becauss the toun of Edinburgh hes the escheatis of all regrateris and foirstalleris within thair friedome disponed to thameselfes with powar to judge upon all suche crymes, etc., in thair chairtour, 1603, and in the act of Parliament ratifyinge the samyen. By this prohibition the numbers of buyers and sellers will be diminished and prices will consequently rise.

(2.) Notwithstanding the declaratioun maid by the toun of Edinburgh ather befoir your Lordships or the Lordis of Sessioun allowinge us libertie to hyire girnellis in Leith for our awin wictuall, the nobilite, gentrie and commounes ar heavilie præjudgit gif the toun of Edinburgh wassalis and all the inhabitantis of Leith sould be debarred of the libertie of girnelling, becaus by that meane they of Leith ar indirectlye and by necessary consequens dischairged all buying of wictuall frome us, quhilk is allowed be the lawes of this kingdome to all his Majesties liedges, and so we sall be forced to sell our wictuall to ane few number of the burgesses of Edinburgh at quhat rate they pleas, and they having maid this monopole of our pryme commoditie sall went it out againe at the dearest rates to the rest of the liedges. A few burgesses of Edinburgh would then be enabled to sell victual at the highest rates to the rest of the lieges.

(3.) Not only the nobilitie, gentrie and commounes may be damnified be the said dischairge of girnelling notwithstanding the afoirsaid declara- All the burghs from Leith to the Orkneys

would suffer by the prohibition.

tioun butt all the burrowes of the kingdome also frome Leith to Orknay and frome Orknay to Striviling, quho haif bein alwayes in use to buy barganes of wictuall frome us and transport thame to Leith as the cheife mercatt plaice for wictuall in this kingdome, gif quhen the wictuall they bring and buy frome us to Leith the inhabitantis thairof haif not libertie to girnell the wictuall quich they may laufully buy fra thame, speciallie considderinge that the toun of Edinburgh hes pretendit decreittis, 1518, recovered befoir the Lords of Sessioun bearing wictuall to be staple goodis, lykas the letters of horning quich ar found ordourlie proceidit in thair favoures, quhairof we now complaine, mak also mentioun thairof, and so nather we nor these other burrowes being frie men may dispone upone our wictuall within thair friedome butt to thair burgesses and at the least we sall be forced to transport our wictuall to Leith upone our awin hazard and under thair reverence to be wented out in small quantitie to thair wassalis over quhome they may impoise such actis and bylawes as may mak all our wictuall altogidder unprofitable to us as they doe the landwert aill in Edinburgh.[1]

The craftsmen of Edinburgh would be forced to buy their victual at exorbitant rates.

(4.) And as the rest of the burrowes of this kingdome so all the craftismen of thair awin corporatioun of Edinburgh and uther induellaris thair sall be pitifullie præjudgit by this ingrossinge of the seall of wictuall to the burgesses of Edinburgh, for all these tradesmen and utheris not having meanes to buy any gritt quantitie of wictuall togidder for the interteanement of thair servandis and families butt having recourse to thair ordinarie veeklie mercattis, whairin these few wictuall mongeris of Edinburgh sall haif in thair powar to mak ane artificiall dearth, sall be forced to buy thair daylie foode at exorbitant rates, and all the commoundes of the kingdome, speciallie these of the west country that ar in use to buy thair sommer wictuallis sall ather returne emptye without wictuallis quich they come to bring thence frome the most remote pairtes of the kingdome as they wer seine to haif done this last sommer, quhen four or fyve hundreth horses were returned home frome Leith in ane veeke without the wictuall they came for, and that by these merchandes of Edinburgh closinge up thair girnellis whairin they had stoire of wictuall, or else sall be constrained to giwe double pryice for it by such slichtis and trickis as the saidis merchandis ar knawen ordinarlie to use quhen they, having stoire of wictuall in thair girnellis, they cary but ane litle quantitie thairof doune to thair selleris at once and so making the cuntrey pepill beleiwe they haif no moir to sell at that tyme doe craftilye compell thame to give quhat pryces they pleas; whairas gif all the inhabitantis of Leith had the priviledge of girnelling and selling as abefoir this fraud wald not be committed.

If the inhabitants of Leith are forbidden

(5.) If the toun of Edinburgh wassalis and utheris inhabitantis of Leith sould be dischairgit girnelling of wictuall in Leith they will be

[1] At the foot of the page here is written "Read the uther syide within."

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forced ather to suffer thair housses to decay or to imploy thame to some uther use or else to sell thame to the toun of Edinburgh at quhat rate they pleas. So that the nobilitie, gentrie, commounes and utheris foirsaidis salbe altogidder præjudgit of girnellis and consequentlie forced to sell thair wictuall to the merchandis of Edinburgh, who refuses to sett thair girnellis to noblemen and utheris under prætext of having imployed thair housses to uther uses, quhairby the toun of Leith being dischairgit girnelling, the toun of Edinburgh sall haif the sole powar of girnelling conforme to thair infeftment, 1603, quich howsower they wald seime to pas frome yitt ar we still in dainger of thair practises in so far as thair offeris to the noble men and utheris within the shirefdome of Edinburgh concerninge that infeftment, 1603, doe beare that thair is nothing conteyned in that chairtour quich is not ather conteyned in thair old infeftmentis and decreittis given in thair favoures or uther former grantis maid to thame quhairof they were and ar in possessioun or the lyk thairof grantit to uther burrowes and uther privat subjectes and ar injoyed by thame."

to store victual, they will have to destroy their granaries or sell them at low rates to Edinburgh.

18. "At Legatisden the threttein day of Janwar j^{m}vj^{c} threittie ane yeiris. 13th January 1631.

Answers by Elizabeth Strachan, Lady Blackhall, to George, Lord Gordon, anent Margaret Wood and the burning of Frendraught

Quhilk day Elizabethe Strathauchin, Lady Blakhall, being demandit be ane nobill and potent lord, George, Lord Gordone, etc., of the pointis underwreittin, maid ansuer as followis:—

Primo—Being demandit at quhat tyme Margaret Wood wes last in hir house, ansuerit—About the tuentieth of October last, at quhiche tyme Normond Lesly and his wyff war thair also.

Secundo—Being demandit quhither Normond Leslie or his wyff, or ony uther, hard at that tyme any discours of the birneinge of the hous of Frindracht, ansuerit—That at that tyme to hir knowledg or heiringe, nather thay nor no other in thair hous hard any discours of that busines; nor did scho ever speik of the said purpoise to hir nece.

Tertio—Being demandit, Quhat commissione the said Elizabeth Strathauchin gew at that tyme to Margaret Wood to be delyverit by hir at hir southe going to George Spens, ansuerit—That scho nether knew of the said Margaret hir goinge southe nor delyverit ony commissione at all nether to George Spens nor no other.

Lastlie, being demandit—Quhat moneyis the said Elizabethe Strathauchin gef at that tyme to the said Margaret Wood, ansuerit—Nocht one penny.

Also the said Elizabeth Strathauchin affeirmes that the said Margaret Wood mowet hir to go to hir motheris hous quhair scho interceidit for the said Margaret at hir motheris handis, quha (at hir desyre) was contentit to receawe the said Margaret in hir hous at Mertimes last; quhiche beinge reportit by hir to the said Margaret scho refuiseit the

offer alleaginge that scho was already feeit with the Lard Ranystoun for this winter. So as the said Elizabeth Strathauchin [expectit] no way the said Margaret Woodis goinge southe in regaird of the premisses. In testimony quhairof the said Elizabethe Strathauchin hes subscrivit thir presentis, wreittin be Johne McKiesone, notar publict in Innerwrie, day, yeir and plaice forsaid, befoir witnesses, George Gordone of Newtoun, Mr Allexander Ross, minister at Inche, and the said Johne Makiesone, writter. (Signed) Elisabeth Strachan, G. Gordone, witnes; M. A. Ross, witnes; J. Mackiesone, wreitt, witnes." (Endorsed) "Declaratione, Elizabeth Strathauchin for cleiringe of hir selff against the assertiounes of Margaret Wood." Miscellaneous Papers.

18th January 1631. Report of the inventory of the taxation of the regality of Kirkliston by Thomas Thoms, clerk of the said regality.

19. " . . . (torn) . . . and . . . the yeir of . . . sex yeiris respective in tua severall courtis haldin within the tolbuith thairof be James Young, bailie depute of the regalitie of Kirklistone, besouth the Vatter of Forth, comperit personallie Adame Craw in the kirkland of Eglismachen within the said regalitie and gaif up the inventar of his moneyis addettit to him and that for the first and secund termes payment of the extraordinar taxatione grantit in the moneth of October, 1625 yeiris, as followis.

The Inventar for the Vitsonday and Mertemes termes respective followis for the first and secund termes payment of the said extraordinar taxatione as it ves giffin up be the said Adame Craw, his aith being takin, of his said moneyis addettit to him be the persones efterspecifeit they ar to say—

Be James Cleland in Nudrie	iij^{c} merkis
Be Villiam Bell at Vinchbruchis Mylne	j^{c} merkis
Be Andro Samuell in Nudrie	j^{c} merkis
Be Thomas Yong in Vinchbruch	ij^{c} merkis
Be James Gray in	j^{c} merkis
Be Robert Craw in	j^{c} merkis
Be Robert Craw in Dudingston	ij^{c} merkis
Be Villiam Reid in	j^{c} merkis
Be Johne Duncane in	j^{c} merkis
Be Johne Dick in	j^{c} merkis
Summa	j^{m}iiij^{c} merkis
Ilk termes payment of the said taxation, xlvj ß. viij đ.	
is for the tua termes payment foirsaid . .	vij merkis

(On the margin) Frie 1400 merks. Extraordiner taxatioun fies deduceit, 44ß. 4đ.; 2 termes, 44ß. 4đ.

I Thomas Thowms, clerk of the regalitie, do testifie that the inventar foirsaid is just and trew as the samyn ves gevin up to me and no thing omittit furth thairof to my knawledge, as I sall ansuer to God. Subscrivit with my hand as followis: And alse I declair that at the terme dayis particularlie abonementionat thair comperit no uther persone nor

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persones thairat nor at no uther tyme thairefter to gif up inventaris of onie moneyis lent by thame as I sall [ansuer] to the grit God. Be thir presenttis, subscrivit vith my hand at Halyrudhous the xviij of Januar 1631. (Signed)

THOMAS THOWMS."

20. Extract of the Act of Council giving commission for the receiving of inventories of lent money, printed *ante*, p. 126. (Signed) "JACOBUS PRYMROIS." 27th January 1631. The inventories of lent money.

"Halyrudhous primo Februarij 1631. Holyrood House, 1st February 1631.

21. "Sir George Ogilvie of Bamff, reexamined anent the speeches that past betuix him and Johne Meldrum in Legetsden the night before the burning of Frendraught, deponis that after Johne Meldrum had shawne to the deponer that thair wald be ane evill turne done to Frendraught and that he wald be brunt, the deponer desyrit Johne Meldrum to continew till the morne at nyne houris to [the] effect he might knaw if he could haif ane assurance from Pitcaple and then he wald do Johne Meldrum his turne. Quhairunto Johne Meldrum ansuerit—Your bussyness may stay for a tyme bot myne can ressave no delay. Demandit—If he hes hard tuitcheing Johne Toshe, deponis that he is informed that in all places quhair Johne Toshe hes duelt he hes ever kythed to be evill conditioned and a slyme youth, and that if the hous wes brunt be these that wer within he wald suspect Johne Toshe to be the actor rather then ony other, bot knawis nothing of his guiltines of that fact. Depositions anent the burning of Frendraught.

Robert Wilsoun, servitour to Johne Meldrum, demandit—Quhen he wes last in Frendraught, deponis, He wes not in Frendraught since the Laird come to Johne Meldrum house to seik him and tooke the deponer out and caryed him away to the place of Frendraught, quhair he wes keept frome eight of the cloke in the morning till four at night. Deponis he spake with Johne Joyse and Williame Bewlie, and that he saw Johne Toshe quhen the Laird light who boasted the deponer; and denys that ever he spake with Johne Toshe except that tyme since Johne Meldrum tooke away Frendraughts horss. Deposition by Robert Wilson, servitor to John Meldrum.

Robert Spense, sworne and demandit if he knawis Patrik Barclay, deponis he knawis him and that he mett with him laitlie who reported to the deponer that the Fryday before the burning of Frendraught, he being comeing out of Turreff and forgaddering with Robert Wilsone, servitour to Johne Meldrum, Patrik Barclay, having demandit of Robert Wilsone quhat newes he had and if his maister wes satled with Frendraught, Robert Wilsone ansuerit that thay wer not aggreid and that within tuentie four houres the heighest stane of Frendraught wald be the laighest. And deponis that the Laird of Haltoun wrett to the deponer Deposition by Robert Spence.

and shew him that he had spokin with Robert Wilsoun and fand him to be a knaiff and that he wald give grite (light) anent the authouris of the burning of Frendraught if he wer weele examined. And deponis that Patrik Barclay said to the deponer—If yow will come to the kirk of Achterles upoun Sonday I will tell yow more of the bussynes concerning the burning of Frendraught, whiche dyet the deponer kept not, being loath to ingadge himselff in suche kitle bussynes.

Deposition by Gilbert Milne.

Gilbert Milne, sworne and demandit quhat he hard Patrik Barclay [say] concerning Robert Wilsone deponis—that being latlie at the milne of [torn] . . . he hard Patrik Barclay declare that the Fryday before the burning of Frendraught, forgaddering with Robert Wilsone, he demandit of him if Pitcaple and Frendraught wes satled, and quhat newes he hard of thame, and that Robert Wilsone ansuerit—Yow will heare strange newes of Frendraught, for within tuentie four houris the heighest stane will be the lowest.

Robert Wilson re-examined.

Robert Wilsone, sworne and demandit quhat speeches past betuix him and Patrik Barclay some dayes before the burning of Frendraught deponis that he hes not beene in termes of speeche with Patrik Barclay this yeir bigane, bot that upoun the Thurisday before the burning, the deponer being ryding to Cowane fair, he mett with Patrik Barclay who had his wyffe behind him, and that sho demandit of the deponer in what estate James Leslie wes, who ansuering that he wes ill hurt in the arme, sho said, "The devill be at the hart of thame that did it" [quhen] the deponer said—"Amen," and denyes that he had ony further speeches with hir, and that he spak not at all to hir husband.

Deposition by George Spence.

George Spense, examined anent the forme and maner of the burning of the house of Frendraught, deponis that he wes walkened by [a] cry af fyre, and that apprehending the danger of James Grant his [couseing?] he come out with his sword in his hand, and the first thing he saw wes the fyre comeing out of the vault, quhairupoun the deponer went to the vault dure and saw all in fyre there, and that thair wes some girthstingis in the vault whiche craked and lap alongs the house, and depones that thairafter he went up to the Lord Melgums chalmer bot could [not] find him, nether saw he ony fyre in the Lordis chalmer bot smoak, and that he having gone bak the secund tyme to the Lord Melgums chalmer the Lord Melgum wes gone abone, neither did he sie ony fyre at that tyme neither nor for halff ane hour after, and is [of] opinioun that the Lord Melgum wes suffocat with reik before the fyre approchit.

Deposition by Thomas Jose.

Thomas Jose, examined, deponis that he wes not [in] the vault [after?][1] sex of the clok at night, that he wes taking out meill. Deponis that the kist that wes brunt wes oppin without ony thing thairin, the me . . . being taken furth thairof a moneth before. Deponis he opinit . . . tranc . . . and saw the fyre in the vault and . . . wes

[1] The document is somewhat mutilated.

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. . . fyr . . . . . the house. Deponis that he had the [keyes] of the . . . . . Toshe had ever the use of it as his bus[synes] re[quirit] . . . . . .

Deposition by Magdalene Innes.

Magdalene Innes, examined, deponis sho lay in the chalmer quhair the Laird lay and that upoun the cry of fyre the Laird raise and patt on his doublett and his breeches and that the lady went doun to the close with hir night goun in hir hand apprehending that the barne yairdis wes fyred by James Grant.

Dame Elizabeth Gordon.

Dame Elisabeth Gordoun, Lady Frendraught, compeirand this day the Lordis allowis hir to go home.

Deposition by James Crichton of Frendraught.

James Creichtoun of Frendraught, demandit quhat he knawis of the coffer that wes fund be M^r^ Harye Seatoun and quhat wes thairin, deponis he knawis nothing of the bussynes, and denys the geving of ony coffer in keeping to the greiffis wyffe, Jonet Moriesone.

Deposition by George Spence.

George Spense, demandit quhat he knawis of a coffer fund be M^r^ Harye Seatoun at the foote of a tree the day after the burning, deponis he hard by report that M^r^ Harye had fund suche a box, quhairin thair wes pearlingis and some other litle thingis.

Deposition by the Lady Frendraught.

The Lady Frendraught, examined anent the cofferis, deponis thair wes a box fund oppin be M^r^ Harye Seatoun quhairin thair wes nothing bot peices of perling and other trashe, and denys that ever sho gaif a coffer in keeping to Jonet Moriesone.

Admission by Captain Peter Rollock.

Captane Peter Rollok, examined anent the box, grants that he kuist the box with some other geir out of the window into the close and that by appearance some had stollin it up and caryed it to the yaird and brokin it upoun hoip to haif fund some grite mater thairintill. [On the back] The Laird and Lady Frendraught and some of thair domestiques, *primo Februarii*, 1631. 36."

Edinburgh, 2nd February 1631.

22. Edinburgh, *secundo Februarii* 1631.

Præses; Privy Seal; Wyntoun; Linlithqw; Galloway; Seaforte; Lauderdaill; Gordoun; Melvill; Tracquair; Secretary; Advocate; Justice Clerk; Sir John Scott.

Deposition of Margaret Wood anent the burning of Frendraught.

"Margaret Wode demandit—Fra whome she receaved the fourtie ane dollouris, deponis, she steilled thame out of the Laird of Frendraughts bulgett. Demandit, By whose seducement sho maid the depositioun aganis Pitcaple, deponis, That sho maid the discourse of hir selff to George Spense, and that after the Lady Frendraught and Bamff had caused bring the deponer over the watter to this toun, sho being wairnit by a meassour to compeir before the Counsaill, the deponer went to the Lady Frendraught and George Spense and said to thame, "For God sake lett me not go before the Counsaill, for I will not haif a face to speik a lee of these whome I never saw, and if I be confronted

with the pairtye it will cost me my lyffe." Quhairunto the lady ansuerit, "Thou is a unhappie las. Be not fleed. Byd be the thing thow hes said. I sall warrand the." And deponis that Cristeane Chalmeris wes present showing a much quhen the lady spake the wordis. And deponis that quhen sho wes comeing doun to the Counsaill, sho having said to the Laird of Frendraught, "Sir, I feare I gett evill if I go before the Counsaill, I pray yow, Sir, see that I gett no harme"; the Laird ansuerit, "I sall send four men with the, and if thay will not serve I sall send sex men and thay will bring yow saulfelie bak"; and said to his servandis, "See for your lyffe that yow come not bak if yow bring hir not bak agane." Demandit who caused hir mak the discourse aganis Pitcaple, deponis, that sho told George Spense that sho had hard all these speeches be report and that the Lady Frendraught and George Spence, the Weddinsday after sho come to the toun in the ladye chalmer, Cristeane Chalmer being present, they bad the deponer say that sho saw all with hir eyne whiche sho had only hard by report. Demandit—fra whome she receaved the dollouris, deponis that after she come over to Edinburgh, being feared to compeir before the Counsaill, she maid tua three eshaipes doun the stair, and being ever brought bak in end the deponer said to the lady, "I wes nather proofe nor witnes to the burning of Frendraught nor wes never in Pitcaple but once at my sister and I cannot mak a lee upoun thame quhome I never saw without a warrand" . . . [1]The lady said to hir, "Be not dasht before the Counsaill bot say . . . that thow saw with the eyne that whiche yow hard and speciallie that y[ow ga]if Richard Mowatt his supper, and that the [*sic*] becaus thow may do . . . ed to us and to thy selff. Byd by the depositioun"; and thairupoun [the la]dy tooke out a nomber of dollouris and gaif the deponer and said to hir, "[This] salbe bot a token of what thow sall receave"; and deponis [that sho recea]ved the dollouris upoun the Weddinsday at nyne houris before sho went . . . . . Earle of Menteathis, and that about . . . . . and delyverit twentie tua of the dollouris and upoun the morne sho delyverit all the rest to Elisabeth except sex whiche sho keeped in hir purse. And deponis that the day that the deponer wes to be put to the tortour Captane Rollok being standing at the Counsal house dur said to the deponer, "Weele, will thow speake ony thing agane the lady. The lady salbe alsoone before the Counsaill as yow," whiche maid the deponer to conceall the treuth and mak all the leys whiche sho maid. Deponis quhen sho receaved the dollouris fra the lady thair wes none present. Deponis after sho wes committed Johne Leslie of come in to the tolbuith to hir and said, "Woe is me, for thy mother doghter, who hes broght the heir?" Quhairunto the deponer ansuerit, "The plague of God upoun thame that broght me heir." And he having demandit who it wes, sho roundit to him quietlie that it wes the Lady Frendraught; and

Miscellaneous Papers.

[1] The document is somewhat mutilated.

Miscellaneous Papers.

deponis that sho having desyrit Johne Leslie to come and speik with hir the morne he keept the appointment, quhairupoun sho had told Johne Leslie that the Lady Frendraught wes the cause of hir trouble. Sho cryed aloud out to him in the hearing of all, "Cause tell Frendraughtis folkis that if they tak me not out heir quicklie I will cause thame all stand quhair I am"; and deponis that Bamff maid many promises to hir and said it sould be the best voyage ever sho maid.

Deposition of John Leslie of Artoune.

Johne Leslie of Artoune, demandit quhat speeches past betuix hir [*sic*] and Margaret Wode, deponis that the night that Margaret Wode wes committed he, having at her desyre gone up with [hir] and demandit who had broght that trouble upoun hir, sho said in the hearing of Johne Baird, Johne Whyte and William Carmichaell, that wes moved to say, "All be the Lady Frendraught and her servandis"; and deponis that upoun the morne after, he having at hir desyre gone in to hir she said in the hearing of Johne Whyte, "Caus the Chancellour bring me to the Counsall and I will declare the treuth of all."

Deposition by John White.

Johne Whyte, demandit quhat he hard of the speeches betuix Johne Leslie and Margaret Wode deponis that he hard, Curse these that had broght hir in trouble, and that sho said that it wes the Lady Frendraught that wes cause of it.

Deposition of William Carmichael.

William Carmichaell deponis he hard Margaret Wode say in the tolbuith the first night [sho] wes committed, that the Lady Frendraught had caused hir speeke . . . . that sho had said.

Deposition of the Lady Frendraught.

The Lady Frendraught, examined and demandit if sho desyrit Margaret Wode to byde be all that sho had said, deponis sho desyrit hir to byd be it according to the treuth for it wald come before a heigher Judge. Demandit if she bad Margaret Wode say that quhat sho had hard by report sho should say sho saw with hir eyes, and speciallie that sho gaif Richard Mowatt his supper, denys the same upoun hir oathe, affirming that she only desyrit hir to stand to the treuth of what sho had declared, and denys that ever Margaret Wode said that sho had maid a lee and that it wald be fund, bot be the contrair the deponer desyrit hir ever to tell the veritie. Demandit if she gaif ony dollouris to Margaret Wode denyis that ever sho gaif ony dollour to Margaret Wode either directlie or indirectlie bot only tua sexpences that sho gaif hir; and deponis that Cristeane Chalmeris having fund some dollouris in a napkin under Margaret Wodes bedhead upoun the Thurisday in the morning that sho wes examined, Cristeane told not the deponer thairof till the afternoone.

Deposition of Christian Chalmers.

Cristeane Chalmeris, demandit quhen sho told the lady of the dollouris that sho fand under Margaret Woodes bedheade, depones she told not the lady immediatlie bot told hir that day.

Cristeane Chalmeris, sworne and demandit if sho hard the Lady Frendraught and George Spense bid Margaret Wode say—That sho had seene with hir eyes that whiche [sho] declared sho had only hard by

report, and particularlie that sho had gevin Richard Mowatt his supper that night he come home to Newmiln, and that sho should be in no danger for doing it, denys the same to be of veritie and denys that ever sho hard the lady or ony other desyre Margaret Wode to speake ony thing bot the treuth.

Deposition of James Crichton of Frendraught.

James Creichtoun of Frendraught sworne and demandit if Margaret Wode said to him that she wes feared to go before the Counsaill least she sould gett harme, denys that ever she spake sic wordis, bot on the contrarie that she wes over confident; and grantis that he directed his servand to attend hir to the Counsaill to the effect none might speeke with hir, bot denys that ever he commandit his men not to live hir bot to bring hir bak upoun the perrell of thair lyffes.

Deposition of Captain Peter Rollock.

Capitane Peter Rollok sworne and demandit if he said to Margaret Wode the first day she wes to be tortoured that if sho spoke ony thing aganis the Lady Frendraught that the lady wald be broght doun to the Counsaill to cleare it, grantis that he spak the words to hir at the Counsal hous dur bot rememberis not of the tyme and day.

Deposition of George Spence.

George Spense sworne and demandit if Margaret Wode said to him and the lady that sho had only hard by report the discourses aganis Pitcaple and that they bad hir say that sho had seene with hir eys that whiche sho had only hard, and speciallie anent the geving of Richard Mowat his supper, denyis the same to be veritie, and deponis upoun his oath that they never required hir to speake ony thing bot the treuthe, and that sho never spake sic words as sho depons tuitcheing her leing.

Margaret Wood re-examined.

Margaret Wode, re-examined and demandit anent the moneyis, deponis that sho having shawne to the lady hir feares to depone before the Counsaill the lady tooke hir into the bak chalmer and tooke out a nomber of dollours out of hir pocquet and gaif hir saying—"This salbe nothing; it salbe the best voyage ever yow maid, and say and byde be it that yow saw all with your eye, and wes present and gaif Richard Mowat his supper." Depones that she wes directed and informed be the Lady, the Laird of Bamff and George Spense, of every word that she deponit, and affirmis that sho said to the Laird of Bamff, "If I go to ward, yow sall go with me," and Bamff ansuerit, "I care not to be in warde with yow." Demandit, how many neiffis full of dollours she receaved fra the lady, deponis, three neiffis full, and that the lady called hir bene to a chalmer and gaif hir thame quietlie.

Lady Frendraught confronted with Margaret Wood.

The Lady Frendraught, being confronted with Margaret Wode and demandit anent the treuth of the speeches and delyverie of the dollouris, denys the same upoun hir grite oath to be of veritie.

Margaret Wood re-examined.

Margaret Wode, demandit if before hir examinatioun sho said that sho had bene delt with be some of hir friendis of goode qualitie to pas frome all sho had said and that thair wes goode deid promised hir to do it, grants that sho spake sic wordis bot denys that the same wer of treuth or that ony goode deid wes ever offered or promised unto hir.

Miscellaneous Papers.

The Lady Newtoun, elder (Williamesone *interlined*), sworne and demandit if sho desyrit Margaret Wode to byde be the wordis sho had spokin and sho wald tak Margaret Wode home to hir in service, denys the same to be veritie. The Lady Newtoun examined.

Margaret Wode deponis that a las callit Crawfurde, servitrice to Robert Keyth, having come to the tolbuith with meate to Johne Crawfurde, hir brother, and the deponer understanding quhair sho duelt, the deponer said to hir, "Tell the Lady Frendraught and thame all, and bid thame mak for my releiff, or otherwayes I vow to God I will tell the veritie of all . . . . . this mater . . . . . ." The las, having thairafter come bak to the tolbuith, sho said to the deponer that thay wer werie carefull of hir releiff and that the Laird of Frendraught had spoken all the Lordis for hir and that sho wald never be broght agane before the Counsaill, and deponis that Kathrene Boyd hard the speecheis. Further deposition by Margaret Wood.

Kathrene Boyd, sworne and demandit what speeches sho hard betuix Crawfurd and Margaret Wode, deponis sho hard Margaret Wod bid the las tell the Lady Frendraught that if sho gatt hir not out of waird sho wald tell the veritie of all that wes past and thairafter sho hard the las report to Margaret Wode that they [*sic*] bussie to gett hir out, and that sho wald not be broght agane before the Counsaill. Deposition by Katharine Boyd.

Margaret Hunter, servitrice to Robert Keyth, deponis that thair being a woman in Robert Keyths house, callit Agnes Fraser, with whome Margaret Wode wes acquainted, and this woman having removed out of this house, Margaret Wode send to Robert Keyths house for Agnes Fraser and desyrit hir to come doun to the tolbuith to hir to the token that she had receaved fra hir a silver lace for hir arme and that sho had gevin to Agnes a point and a sexpence. Quhairupoun Robert Keyth and his wyffe caused the deponer to go doun to the tolbuith and to say to Margaret Wode that she wes send to hir fra Agnes Fraser to the token that hir gifte had past betuix thame. According quhairunto the deponer went to Margaret Wode who said to hir, "See that yow betray me not"; and send hir to Craigwodis doghteris with directioune anent hir cloathes and to desyre thame to come doun to hir, and gatt halff a dollour for hir panes. Deposition by Margaret Hunter.

Elisabeth Crawfurd, sworne and demandit if Margaret Wode send hir in commissioun to the Lady Frendraught for to procure hir releiff and that sho broght bak ane answer that the Laird wes speking the Lordis for [hir] and wald never be broght agane before the Counsaill, denys the same to be veritie. Deposition by Elizabeth Crawford.

Sir George Ogilvie of Bamff, knight, sworne and demandit if ever he promeist goode to Margaret Wode to byde be hir depositioun, depons that he said to hir that she wald gett goode deed if sho maid true all that sho had spokin, bot denys that ever he promised hir goode deid; and deponis upoun his oath that he beleived truelie that Margaret Wode had duelt in Pitcaple. Denys that ever Margaret Wode said to him, "If I be put in waird, yow salbe als soone thair;" bot grantis that he hes hard Deposition by Sir George Ogilvie of Banff anent Margaret Wood.

Margaret Wode say that sho wes effrayed to come before the Counsaill and that sho wald not care if sho had ony man of . . . . . with hir quhom sho knew, and that sho spake this . . . [torn] . . . Miscellaneous Papers.

Deposition by Margaret Wood under the torture of the boot.

Margaret Wode being putt in the tortour of the boittis, sworne and demandit if the Lady Frendraught, the Laird of Bamff and George Spense bad and seduced hir to say that quhat sho had only hard by report that sho should depone that sho saw it with hir eyne and that sho duelt in Pitcaples house and gaif Richard Mowatt his supper the night of the burning, and if the Lady Frendraught gaif hir three neiffis full of dollours to mak suche false depositionis, the said Margaret being in the sufference of the tortur deponit upoun the salvatioun of hir soule that all the foirsaids questionis is true and of veritie.

She abides by her testimony given under torture.

The said Margaret Wode being releived out of the tortour and the saids questionis being agane moved unto hir and sho demandit anent the treuth thairof, sho continewit constant in hir depositioun affirmeing and swearing that the Lady Frendraught, the Laird of Bamff and George Spense dealt with hir and seduced hir to say that sho wes in Pitcaple and gaif Richard Mowat his supper that night he come home, and that Bamff maid fair promises to hir that [sho] should never want and that it should be the best voyage ever sho maid; and that the Lady Frendraught gaif hir three neiff full of dollouris in hir chalmer to stand and abyde at the depositioun. And the said Margaret continewit constant in the depositioun both before the tortour, in the tyme of the sufferance of the tortour whiche wes ministrat unto hir in the presence and sight of the Lady Frendraught, and lykewayes after sho wes releived furth of the tortour. (Signed) Monteith, Hadinton, Wintoun, Linlithgow, Galloway, Seafort, Lauderdaill [J. Ers]kyne, Melvill, Traquaire, S. Thomas Hope, Arch. Acheson, S. G. Elphinstoun . . . . . [torn] . . . . . [on the back] Margarett Wode, Frendraught, his lady and otheris. 2 February 1631."

3rd February 1631. Supplication by Dame Elizabeth Gordon, Lady Frendraught, that some of the ministry may be deputed to deal with Margaret Wood.

23. Supplication by Dame Elisabeth Gordoun, Lady Frendraught, as follows:—"Margaret Wode after muche varying, contradicting and menswearing of hir selff anent the treuth of the whole pointis quhairupon she wes examined, in end in hir accustomed leeing humour sho hes layed the burdyne and blame of hir seducement and brybing upoun me and otheris, and hes ratified hir depositioun thairanent in hir sufferance of the tortour. And quhairas God is my witnes and my conscience beareth me record of my innocencye of all that quhairwith sho hes charged me, and that I never delt with hir to depone falslie or gave hir goode deid for that effect, yitt in regaird of the prejudice whiche hir depositioun may work againe me in the opinioun of these who ar not acquented with the humour of the woman," she craves that their Lordships will appoint some of the ministry to deal with the said Margaret Wode, adding, "And I doubt not bot God in the power of his

Miscellaneous Papers.

Spirite and by the ministerye of his servandis will work hir hart to a confessioun of the treuth and hairtie resipiscence for hir malicious lee." [On the back] "Apud Halyrudhouse tertio Februarij, 1631. "The Lordis nominatis and appointis the Lord Previe Seale, Wyntoun, Linlithgow, Seafort, Galloway, Lauderdaill, Melvill, Bishop of Dumblane, the Bishop of Murray, Advocat and Justice Clerk or ony four or fyve of thome togither with M^r^ Andro Ramsay, M^r^ William Strutheris and M^r^ Harye Rolloke, to confer and deale both with the Lady Frendraught and Margaret Wode for drawing of thame to a confessioun of the treuth; and that they meete the morne in the laugh counsal house of Edinburgh at nyne of the cloke in the morning. (Signed) "Geo. Cancell^r^., Monteith, Morray, J. Erskyne, Traquaire, Arch. Acheson."

Appointment of a committee of the Privy Council to deal with the Lady Frendraught and Margaret Wood.

24. Letters of Summons under the Signet against William Campbell and others for breaking into the house of Caddell to compear before the Council on the 9th June next. (See *ante*, p. 147). Directed to Alexander Dunbar, messenger, and signed "JA PRYMROIS." [On the margin] "Nono Junij 1631. B. Murray, persounalie; Alex^r^ Nicolsone, persounalie; the rest absent. Decernis aganis the absents." [Noted on the back] "Alexander Nicholsone declarit that Williame Campbell desyrit him to attend the day libellit to give his advise anent the repairing of the draw bridge quhiche wes cassin downe be the wind."

Holyrood House, 24th February 1631. Summons against William Campbell and others for breaking into the house of Caddell.

25. Original Minute of the admission at Whitehall of Sir James Galloway as a member of the Privy Council of Scotland, printed *ante*, p. 221. Marked by the Clerk of Council at foot "Secundo Junij, 1631, presentit and ordanit to be registrat."

Whitehall, 7th March 1631. Admission of Sir James Galloway into the Privy Council.

26. Note of executions of the summonses against persons in the north accused as excommunicated Papists and others to appear before the Council on 9th June next, by James Thome, messenger, (1) on 10th March, 1631, against . . . . Gordone, wife of Mr. Robert Bissat of Lessindrum, personally apprehended, and the said Mr. Robert Bissat by delivery of a copy of the charge to his wife; witnesses, Alexander Schand in Lessindrum, and James Callum, servitor to the messenger: (2) on the same day against Isobell Straquhane, wife of John Spens of Bruntstane, and also the said John Spens for presenting his said wife, both personally apprehended; witnesses, Thomas Spens, servitor to the said John Spens, and the said James Callum: (3) on 15th March, 1631, against Marjory Malcome, wife of Matthew Alshoner in Turreff, and the said Matthew himself, for presenting his said wife, both personally apprehended; witnesses, George Watsone, messenger in Turreff, and the said James Callum; and (4) by John Spens, messenger, on 13th March, 1631, against John Gordone at Mylne of Ruthven to present his wife

10th, 13th, and 15th March 1631. Note of executions of summons against excommunicated Papists in the North.

before the Council; witnesses, Thomas Spens, servitor to the said John Spens and Patrick Mursone, servitor to the Marquis of Huntlie. Signed by the messengers. Miscellaneous Papers.

10th, 14th, and 28th March and 14th April 1631. Another note of the same.

27. Note of executions by the said James Thome, messenger, (1) on 10th March, 1631, against Patrick Gordone of Kincragie, for delivery of his houses and entering himself in ward in the Castle of Blaknes; witnesses, ... Gordone, elder of Kincragy, his father, William Davie, there, and James Callum, servitor to the messenger: (2) on 10th March, 1631, against John Leslie, sometime of New Leslie and now in the place of Gartley, to the same effect; witnesses, Alexander Leslie, son of the said John, and the said James Callum: (3) on 11th March, 1631, against John Gordone in Cohorroche and Janet Herper, his spouse, to the same effect; witnesses, Alexander Wat there, and the said James Callum: (4) on 12th March, 1631, against James Gordone of Letterfourie and Margaret Gordone his spouse, personally apprehended at their dwelling house of Letterfourie, to the same effect; witnesses, James Wischert, their servitor, and the said James Callum: (5) on 13th March, 1631, against James Con in Knockiemilne, service being given to his wife in his name at his dwelling house there, to the same effect; witnesses, Williame Watsone in Todlache and the said James Callum: (6) on 14th March, 1631, against Alexander Irving of Beltie and Isobel Irving, his spouse, at their dwelling house of Alterie, to the same effect; witnesses, Alexander Reyth, servitor to the said Alexander Irving, and the said James Callum: (7) on 28th March, 1631, against Alexander Leslie, sometime in Gowill and now in Auld Aberdein, to the same effect; witnesses, William Gray and Alexander Litster in Auld Aberdein: and (8) on 14th April, 1631, by Alexander Sandeson, messenger, against William Hay of Fotterletter and Lulies Gordoun, his spouse, at their dwelling house of Fotterletter, to the same effect; witnesses, James Thome, messenger, and Malcolm Straithe at the Milne of Knokleyth. All signed and signeted by the messengers.

10th, 12th, and 28th March and 18th April 1631. Another note of the same.

28. Notes of execution of summonses by James Thome, messenger, (1) on 10th March, 1631, against Patrick Gordone of Kincragie,[1] [William Sarisett] for breach of his bond; witnesses, Gordone, elder of Kincragie, his father, William Davie in Cultis, and James Callum, the messenger's servant: (2) on 10th March, 1631, against Alexander Irving of Beltie and Isobel Irving, his spouse, at their dwelling house of Alterie, for breach of their bond; witnesses, Alexander Reyth, their servitor, and the said James Callum: (3) on 28th March, 1631, against George, Lord Gordone, as undertaker for the goodwife of Letterfourie, at his dwelling house in Auld Aberdein, for non-observance of the Acts of Council; witnesses, George Merser in Auld Aberdein, and Alexander

[1] This is deleted and an illegible name like *William Sarisett* inserted.

Miscellaneous Papers.

Litster there: (4) on 12th March, 1631, against James Gordoun of Letterfourie, at his dwelling house there, for breach of his bond; witnesses, James Wischert in Letterfourie, and the said James Callum: (5) on 12th March, 1631, at the market-cross of Banff against the said James Gordoun of Letterfourie; witnesses, William Baxster and the said James Callum: (6) on 28th March, 1631, against Alexander Leslie, sometime in Gowill and now in Auld Aberdein (service being made to his wife) for breach of his bond; witnesses, William Gray and Alexander Litster in Auld Aberdein: and (7) on 18th April, 1631, against George, Lord Gordone, William Fraser of Craigtoun, Patrick Gordone of Kincragie, Alexander Irving of Beltie, and Isobel Irving, his spouse; Alexander Leslie in Gowill, at the market-cross of Aberdein; witnesses, Alexander Gareauche, messenger, Andrew Kellie, and Alexander Sandesone. All signed and signeted by the messenger.

13th and 14th March 1631. Another note of the same.

29. Note of executions of summonses by Alexander Gareauche, messenger, (1) on 13th March, 1631, against Janet Wode, spouse to John Gordone of Bountie, personally apprehended at Bountie, and also against the said John Gordone to present her before the Council on 9th June next, for contumacy as a papist; witnesses, John Cowttis Milvart there, and Patrick Williamesone, servitor to the messenger; and (2) on 14th March, 1631, against "Mackdelen Wod," spouse of John Leslie of Kincragie, and the said John Leslie to exhibit her, for the same cause as above; witnesses, James Leslie, her son, and the said Patrick Williamesone. Signed, A. Garioche, mess^{r} and signeted A. G.

14th March 1631. Another note of the same.

30. Note of executions of summonses by the foresaid Alexander Gareauche—(1) on 14th March, 1631, against William Fraser of Craigtoun to render his houses and ward himself in the Castle of Blackness; witnesses, William Fraser, eldest son of the said William Fraser, and the messenger's servant, Patrick Williamsone; and (2) against James Forbes of Blaktoun, personally apprehended, to the above effect; witnesses, Alexander Duncan in Beltie and the said Patrick Williamsone. Signed and signeted as above.

Edinburgh, 4th April 1631.

31. "Apud Edinburgh quarto die mensis Aprilis anno Domini millesimo sexcentesimo tricesimo primo.

Obligation by Sir John Grant of Freuchie to present Alaster Grant, rebel, before the Council by the 1st of July following.

The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Johne Grant of Freuchie and actit and obleist himselfe that he being fred and releeved of his waird within the Castell of Edinburgh, where he presentlie remaines, he sall bring, present and exhibite Alaster Grant, rebell, before the saids Lords betuix and the first day of Julij nixtocome, and failyeing thairof, that he sall re-enter his persoun in waird within the said castell betuix and the said first day of Julij nixt, under the pane of twentie thowsand punds, thairin to remaine upon his

awne expenses till he exhibite the said Alaster Grant conforme to the decreits givin aganis him thereanent, and sall satisfie the parteis compleaners at the sight of the Counsell as accords of the law: and in the meane tyme that the said Sir Johne Grant sall be lyable for the said Alasters peaceable behaviour and for all deeds done or to be committed be him since the dait of the saids decreits, and als that he sall keepe his awin countrie peaceable and sall be answerable for all these whome he may stoppe or latt, under the said pane of twentie thowsand punds." On the same paper is written the act of the Lords of Council relieving the said Sir John Grant of his caution upon exhibition of the said Alaster Grant, dated 19th July 1631, and printed *ante*, p. 284. Miscellaneous Papers.

14th May 1631. Note of execution of summonses against certain Papists.

32. Note of execution by George Jope, messenger, on 14th May, 1631, against Alexander Gordone, apparent of Carneborrowe, personally apprehended, and Margaret Gordoune, goodwife of Cornallatt, of letters of charge for rendering their houses and entering into ward in the Castle of Blackness for contumacy as Papists; witnesses, William Toshe, Mr. Williame Gordoune of Cairneborrowe, and Johne Gray in Gartlye. (Signed) "GEORGE JOPE, messinger," (and signeted) "G. J."

17th and 21st May 1631. Notes of execution of summonses.

33. Notes of execution of summonses by Alexander Dunbar, messenger —(1) on 17th May, 1631, against Alexander Nicolsone, smith in Calder, Walter M^cLentoke there, and Donald M^cCreistell there, to appear before the Council on 9th June next; witnesses, William Caldell, Ovirtoune of Kedes, Donald M^cKinreisk in Caldel, Alexander Yowng, servitor to the said messenger, and Thomas Muddroche, servitor to William Fraser, burgess in Inverness; and (2) on 21st May, 1631, against William Campbell in Ardurscheir, at his dwelling-house there; and afterwards at the market cross of the burgh of Nairn against him and the foresaid Donald M^cCrestall, because they could not be personally apprehended, to the effect above stated; witnesses, Angus Murray and Donald M^cKinleay, servitors to Mr. Thomas Urquhart, minister at Ardurseir, and the foresaid Thomas Mudroche and Alexander Yowng. (Signed) "A. DUNBAR, mess^r.," (and signeted) "A. D."

1st June 1631.

34. "Primo Junij 1631.

Previe Seale; Ros; Dunblane; Ilis; Carnegie; Naper; Clerk of Register; Justice Clerk.

The Marquis of Hamilton's levies.

Ane letter frome his Majestie anent the furtherance of the Marqueis of Hamiltoun his leveyis."

2nd June 1631. The burgh of Edinburgh.

35. Copy of the Act of Council in favour of the burgh anent the Session, printed *ante*, p. 218.

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36. Scroll of the Act of Council granting commissioun to Lord Reay, printed *ante*, p. 219. 2nd June 1631. Commission to Lord Reay.

37. Extract of Act of Council postponing the trial of John Meldrum and James Grant, printed *ante*, p. 220. (Signed) "HADINTOUN, WINTON, DUNKELD, PA. B. of ROSS, S. THOMAS HOPE." 2nd June 1631. Trial of John Meldrum.

38. "CHARLES R. Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and welbeloved counsellours and trustie and welbeloved counsellours, wee greete yow well. Whereas wee have been moved upon the inclosed peticion for giveing way to erect lights upon the Skareheads, as a purpose expedient for preventing of shipwrakes thereabouts, wherein respecting the good and saiftie of our subjects, wee ar hereby pleased to remitt the consideration of the peticion unto yow, that (haveing perused the same, and hearkned to what can be further proponed to you touching that purpose) you may resolve, if there be any expediencie for erecting of those lights and of the meanes and wayes to keepe the same and if you find it necessarie and a willingnesse of suche of our subjects as are most interested therein to pay such a duetie to the same as you and they can best condiscend upon, that a patent be drauen up for a signature here or to passe our cachet there as you shall thinke fitt for the peticioner, and that for such nomber of yeares for such a duetie to be imposed according to the shipps burden, and such other limitations and provisions as you shall thinke fitt to prescrybe for the good of our kingdome and saiftie of our subjects. Soe wee bid you farewell. From our Court at Greenwitch, the nynth day of June, 1631." Addressed to the Viscount of Duplin, Chancellor, the Earl of Monteith, President, and the remanent Earls, Lords and others of the Privy Council of Scotland. Greenwich, 9th June 1631. Letter from his Majesty anent the erecting of lights on the Skareheads.

39. Extract of Act of Council for the execution of John Cruikshank, printed *ante*, p. 229. Signed by Hadinton, Wintoun, S. Thomas Hope, S. G. Elphinstoun, and Jo. Isles. 9th June 1631. The execution of John Cruickshank.

40. Draft of the Act of Council as to the report of the Bishop of Moray and commissioner for the diocese of Aberdeen, printed *ante*, p. 230. 9th June 1631. The diocese of Aberdeen.

41. Draft of the Act of Council respecting the expenses of the commissioners of the dioceses of Aberdeen and Moray in prosecuting Papists, printed *ante*, p. 235. 14th June 1631. The Papists of the dioceses of Aberdeen and Moray.

42. Extract of the Act of Council respecting Thomas Gordon, (printed *ante*, p. 236), and (signed) "JACOBUS PRYMROIS." Also (1) the following note:—"Octavo Novembris, 1631, Thomas Gordoun personalie: Con- 14th June 1631 Obligation by Thomas Gordon, Papist.

tinewit till the sevinteene; for keeping of the whiche dyet and that in the meanetyme he sall live without scandall, the said Thomas acted himselff under the pane of j^{m} merkis": and (2) Note of an Act of Council dated 22nd November, 1631, in the case, printed *ante*, p. 370. Miscellaneous Papers.

14th June 1631. Another copy of the above Act.

14th June 1631. Serving of summonses in the North on the Lord's Day.

43. Copy of the Act of Council as to the serving of summonses in the north on the Lord's day, printed *ante*, p. 236. Signed by Hadinton, Wintoun, Dunkeld, Pa. B. of Ros, Jo. Isles, and S. G. Elphinstoun.

15th June 1631. The storing of victual in Leith.

44. Extract of the Act of the Provost, bailies and council of Edinburgh with the deacons of the crafts confirming their declaration anent girnelling of victual in Leith, printed *ante*, p. 250.

20th June 1631. Summons at the instance of the magistrates of Edinburgh against James Home and others in Leith anent the rescinding of the girnelling Act.

45. Summons subscribed by "Ja. Prymrois," at the instance of the provost, bailies and council of Edinburgh against James Home, Alexander Hay and George Logane, to appear before the Privy Council at Halyrudhous on the 21st in connection with the rescinding of the girnelling act (see *ante*, p. 248). On the margin is noted (1) "xxi Junij, 1631; parties personalie: Continewit to Thurisday nixt in respect of the shortnes both of the tyme and copy." (2) "xxiij Junij, 1631; pairtye personalie; Alexander Hay for himselff and in name of the remanent defendaris consentit to the rescinding of the Act of Counsaill under protestatioun that the decreit recoverit before the Sessioun sould be no further extendit in favouris of the burgh of Edinburgh then for the superioritie thereof allanerlie. The persewairis produced a declaratioun in write under the Clerkis hand in favouris of the noblemen and gentrie; in respect quhairof the Lordis rescindit the act."

20th June 1631. Execution of the foregoing summonses.

46. Execution of the foregoing summons by Duncan Campbell, messenger, against the foresaids persons, personally apprehended in Leith; witnesses, John Kello and Archibald Mebon, indwellers in Leith, and Archibald Layng and John Dikisone, officers there. (Signed) "DUNCANE CAMPBELL, messinger."

23rd June 1631. The girnelling Act.

47. Part of the draft of the Act of Council rescinding their act as to the girnelling of victual, printed *ante*, p. 249.

28th June 1631. The burning of the house of Mr. David Leitch, minister at Dundrennan.

48. Draft of the two Acts of Council in reference to the burning of the dwelling house of Mr. David Leitch, minister at Dundrennan, printed *ante*. p. 257.

Greenwich, 4th July 1631. The trial of James Grant.

49. Original of royal letter for postponing the trial of James Grant until the return of the Earl of Menteith, printed *ante*, p. 278; addressed to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and remanent Lords of the Privy Council of Scotland.

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50. Copy of the Act of Council for the apprehension of Margaret McKiesone, printed *ante*, p. 264. Signed by Hadinton, Pa. B. of Ross, Ad. B. of Dunblane, Jo. Isles, Carnegy, Naper, Traquaire, and Arch. Acheson. 5th July 1631. Margaret M'Kiesone.

51. Draft of the Act of Council forbidding intercourse with Yorkshire and Lancashire, which are infected with the plague, printed *ante*, p. 264. 5th July 1631. The plague in Yorkshire and Lancashire and intercourse with Scotland.

52. Portion of draft of the Act of Council respecting the dispute as to precedency between the Secretary and Advocate, printed *ante*, p. 273. 9th July 1631. Anent the precedence of the Advocate and the Secretary.

53. Copy of the Act of Council for ingathering the collection for the distressed ministers of the Palatinate, printed *ante*, p. 277. 12th July 1631. The ministers of the Palatinate.

54. Copy of the Act of Council for the compearance of Stirling of Keir and a servant of the Master of Abercorn, printed *ante*, p. 284. Signed by Geo. Cancell^{r}., Wintoun, and Arch. Acheson. 18th July 1631. Stirling of Keir.

55. Copy of the Act of Council in favour of Sir John Grant of Freuchie, printed *ante*, p. 284. 19th July 1631. Sir John Grant of Freuchie.

56. Petition by Dame Marie Boyd, Countess of Abircorne, the substance of which, with the decision of the Lords in the matter, is embodied in the Act of Council in her favour of the same date, printed *ante*, p. 285. [On the back] "*Fiat ut petitur* to Candlemes nixtocome upoun renewing of hir former cautioun, (signed) GEO. CANCELL^{R}. I.P.D." 19th July 1631. Petition by Dame Mary Boyd, Countess of Abercorn.

57. Copy of the Act of Council relating to the grammar of Mr. David Wedderburn, printed *ante*, p. 287 ; (signed) "HADINTON I.P.D." 21st July 1631. The grammar of Mr. David Wedderburn.

58. Copy of the Act of Council for proclamation concerning the herring fishing at Dunbar, printed *ante*, p. 293. Signed by Geo. Cancell^{r}., Hadinton, Winton, Perthe, Galloway, Sterline, and Dunkeld. 26th July 1631. The herring-fishing at Dunbar.

59. Copy of the Act of Council as to the casting of ballast in the Forth above Queensferry, printed *ante*, p. 294. On the same paper is a copy of the Act of Council of 2nd August, 1631, respecting Mr. David Wedderburn's grammar, printed *ante*, p. 310. 26th July 1631 and 2nd August 1631. The casting of ballast into the Firth and Mr. David Wedderburn's Grammar.

60. Copy of the Act of Council for a proclamation regarding Nova Scotia, printed *ante*, p. 299. Signed by Hadinton, Pa. B. of Ros, Carnegy, Naper, Hamilton, and James Baillie. 28th July 1631. Nova Scotia.

28th July 1631. The same. 61. Copy of the Act of Council appointing a committee for considering how the plantation of Nova Scotia may be advanced, printed *ante*, p. 299; signed by the same Lords. Miscellaneous Papers.

28th July 1631. Foreign dollars. 62. Copy of the Act of Council prohibiting the importation of foreign dollars, printed *ante*, p. 301; signed by Geo. Cancell^{r}., Hadinton, Wintoun, Pa. B. of Ross, Naper, and S^{r} Thomas Hope.

28th July 1631. The buying and selling of yarn. 63. Copy of the Act of Council anent the buying and selling of yarn, printed *ante*, p. 302; signed by the same Lords, except Sir Thomas Hope.

28th July 1631. The casting of ballast into the Forth. 64. Copy of the Act of Council prohibiting the casting of ships' ballast in the Firth of Forth, printed *ante*, p. 303; signed by the same Lords as the last.

28th July 1631. Repairing of the highways. 65. Copy of the Act of Council appointing a commission for repairing the highway from the Clockmylne to the Sands of Leith, printed *ante*, p 304.

28th July 1631. Lord Kintyre and the pirate ship. 66. Copy of the Act of Council approving Lord Kintyre's action in taking a pirate ship in the West seas, printed *ante*, p. 305.

Oatlands, 31st July 1631. Anent the production of Alaster Grant. 67. Original of royal letter approving the Council's action with regard to the Laird of Grant about the production of Alaster Grant, and requiring the like treatment of the Marquis of Huntly and others, printed *ante*, p. 321; addressed to the Vicount of Duplin, Chancellor; the Earl of Morton, Treasurer; the Earl of Monteith, President; and remanent noblemen and others of the Privy Council of Scotland.

4th August 1631. The postponement of meeting of Parliament. 68. Copy of the Act of Council for the prorogation of Parliament, printed *ante*, p. 315; signed by Hadinton, Sterling, Traquair, Jo. Isles, Ro. Kerr, Arch. Acheson, Hamilton, S^{r} Thomas Hope, and S. G. Elphinstoun.

26th August 1631. The Earl of Menteith. 69. Copy of the Act of Council upon the creation of the Earl of Menteith as Earl of Strathern, printed *ante*, p. 316.

26th August 1631. Alexander Mure of Strathmure. 70. Copy of the Act of Council granting commission for the apprehension of Alexander Mure of Skaithmure, printed *ante*, p. 317; and signed by Monteith, Hadinton, Morray, Wintoun, Sterling, Pa. B. of Ros, Lorne, Traquaire, Arch. Acheson, and S. G. Elphinstoun.

26th August 1631. 71. Copy of the Act of Council in favour of Alexander, Master of

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Forbes, and his levies for the King of Sweden, printed *ante*, p. 318; and signed by the same Lords, and Linlithgow. — Alexander, Master of Forbes.

72. Draft of the Act of Council appointing a commission to examine witnesses anent the burning of Frendraught, printed *ante*, p. 320. — 26th August 1631. The burning of Frendraught.

73. Draft of the Act of Council for charging the burgesses, who are commissioners for the teinds, to attend the Council, printed *ante*, p. 322. — 26th August 1631. The Commissioners for the Teinds.

74. Copy of the Act of Council for the coining of farthings, printed *ante*, p. 323; and signed by Stratherne, Sanctandrows, Sterling, Pa. B. of Ross, Jo. Isles, Traquaire, Hamilton, and S^r^ Thomas Hope. — 26th August 1631. The coining of farthings.

75. Copy of the Act of Council appointing a committee for valuing the estate of the late Earl of Bothwell, printed *ante*, p. 328. On the back of this paper there is written "Commission to be given to John Halden of Glenegeis, Sir William Murray of Abercairny, Sir James Drummond of Machanie, William Sterling of Ardo, Robert Grahame of Panhollis"; but this does not not appear to have any connection with the above Act of Council. — Perth, 21st September 1631. The estate of the late Earl of Bothwell. Commission to John Haldane of Gleneagles and others.

76. Copy of the Act of Council appointing the Earl of Hadintoun to take the oath of Johne Home of Rentoun as sheriff of Berwick, printed *ante*, p. 329. — Perth, 21st September 1631. Taking of the oaths of sheriffs.

Also on the same paper, copy of the Act of Council appointing John, Earl of Wigtoun, to take the oath of James Chalmers of Gategirth as sheriff of Ayr, printed *ante*, p. 336. — 22nd September 1631.

77. Draft of the Act of Council appointing George, Viscount of Duplin, to take the oath of Sir John Moncreiff of Neather Moncreiff, knight, as sheriff principal of Perth, printed *ante*, p. 336; also draft of the Act of Council warding Sir Johne Ogilvie of Craig in the city of St. Andrews, printed *ante*, p. 337. — Perth, 22nd September 1631. The same.

78. Draft of the Act of Council ordaining Sir Robert Hepburne of Barefute and his son, and Andrew White of Markill, to keep the peace, printed *ante*, p. 337; also draft of the Act of Council appointing John, Lord Stewart of Tracquair, to take the oaths of Sir John Murrey of Philiphauche, as sheriff of Selkirk, and of Archibald Maxwell of Cowhill, as sheriff of Dumfries, printed *ante*, p. 336. — Perth, 22nd September 1631. Sir Robert Hepburn of Barefute and his son. Taking of a sheriff's oath

79. Copy of the Act of Council permitting Lieut.-Col. Ludovick Leslie to enlist 200 men for the service of the King of Sweden, printed *ante*, p. 342. — Holyrood House, 5th October 1631. Colonel Ludovick Leslie.

Rathven, 27th October 1631. Letter of W. Logie, parson of Rathven, to the Council anent Thomas Gordon of Edinvillie, a Papist.

80. "To the rycht honorabill the Lords of his Majesteis Privie Counsell, be it knowen that the berar heiroff, Thomas Gordoun of Edinvillie, resident for the present in Cordowne within the parroche of Rathven, brocht ane ordinance from ther Lordships to conferre with me, under-subscrivar, as pastor of the said parroche of Rathven, and in obedience thereof (as he professed) hes at diverse tymes conveined with me and receaved from me printit buikes and written papers for his easey resolutioun. In end, after the expyring of the tyme prescrived to him be the said honorabill Lordis, being urged to more meitinges he conveined once and declared that he doubted in no thing of what[1] professed. Being urged to declare of what poyntis he doubted in our doctrine he ansuered that he would not object ony thing becaus he wes no clerk. Only he heard me patientlie discourse. Thus albeit in all humble obedience to the said honorabill Lordis will I took paines what possiblie I could for his informatioun and conversion I could not so far prevaile as to procure a promise of further conformitie. The premisses to be true I testifie, as I will be ansuerable, referring what new courses shall be taken with him to ther Lordships wise consideratioun; praying God to direct ther Lordships. Be thir presents written and subscrivit with my hand at Rathven, the 27 day off October, 1631 yeiris. (Signed) W. LOGIE, parson of Rathven." Miscellaneous Papers.

2nd November 1631. Bishops and their non-attendance as Commissioners for the Surrenders.

81. Copy of the Act of Council for charging certain Bishops for not attending the meeting of the Commission for Surrenders this day, printed *ante*, p. 348.

3rd November 1631. Alaster Grant.

82. Copy of the Act of Council continuing the trial of Alaster Grant, printed *ante*, p. 349; signed by Hadintoun, Lauderdaill, G. Gordone, Arch. Acheson, Hamilton, S. G. Elphinstoun, S^r^ Thomas Hope, James Baillie.

3rd November 1631. The Master of Forbes and Sir Frederick Hamilton.

83. Copy of the Act of Council recording the Heads of Agreement between the Master of Forbes and Sir Frederick Hamilton, printed *ante*, p. 349.

3rd November 1631. The same.

84. Original of the said Heads agreed upon, printed *ante*, p. 349; signed by the parties and witnessing Lords of Council.

3rd November 1631. Articles of agreement between Alexander, Master of Forbes, and Sir Frederick Hamilton of Maner Hamil-

85. "Articles agreed upon betuix Alexander, Maister of Forbes, and Sir Frederick Hamiltoun of Maner Hamiltoun, knight, whilks articles both the saids parteis hes subscryved witht thair hands and ar content and consents that the same be insert and registrat in the bookes of Privie Counsell that execution may pas thereupon in forme as effeirs of the quhilks articles, bearing date at the day of November, the

[1] Some omission here.

cellaneous ers.

yeere of God j^m vj^c threttie ane yeeres the tennour followes:—In the first, Whereas the said Maister of Forbes had ane commissioun frome the King of Sueden for the leveying of twa regiments of foote, ilke regiment consisting of twelffe hundreth men, as the said commissioun, dated the 16 day of Januarie, 1631 yeeres, beiris, the said Maister of Forbes be vertew of the commissioun foresaid gives full power and auctoritie unto the said Sir Friderick Hamilton to levey one of the saids regiments and to appoint and make choise of all his owne captans and other inferiour officiars.

ton, anent certain levies to be raised for the King of Sweden.

Secundlie, The said Maister of Forbes binds and obleisses him to receave frome the said Sir Friderick all suche companeis of men as the said Sir Friderick hes beene at the charge in leveying and transporting and hithertills mainteaning, and his saids companeis carefullie to interteanie upon the said Maister of Forbes his charges with competent meate, drinke and loodging as is fitting for souldiours, untill suche tyme as he provide for thame sufficient weill victualled shippes at Leith or Dundie for thair saulfe transport.

Thridlie, The said Sir Friderick discharges the said Maister of Forbes of the foure hundreth punds sterline quhilk the said Maister of Forbes wes obleist to pay to the said Sir Friderick at his place of randievow; the said Maister of Forbes mainteaning, victualling and transporting the said Sir Friderick his regiment.

Lastlie, Both the saids parteis doe mutuallie submitt to the King of Sueden his decisioun whether or no the said Sir Friderick and his regiment sall be under the charge of the said Master of Forbes."

86. Another copy of the immediately foregoing articles without the clause of registration.

3rd November 1631. The same.

87. Copy of the Act of Council prohibiting the importation and currency of foreign farthings, printed *ante*, p. 351; signed by Geo. Cancell^r., Hadinton, Perthe, Lauderdaill, G. Gordone, Melvill, Arch. Acheson, and Scottistarvett.

10th November 1631. Foreign farthings.

88. Petition by Dame Katharine M^cDougall, spouse to Lord Uchiltrie, as embodied in the Act of Council in his favour printed *ante*, p. 352. There is added, as follows after, the words "and to make him sure how and be whome it sall be payed," but the pen has been drawn through the passage—"Becaus he will not gett ane choppin of aill upon credite, and I am certane it is farre aganis his Majesteis royall heart that he sterve for hunger"; and she further asks that Andrew Quhyte be allowed and enabled "to appoint some boy to attend my said husband in his chamber be day and night." The petition is indorsed with the finding of the Council thereupon as in the Act, and signed "GEO. CANCELL^r., I.P.D."

10th November 1631. Petition by Dame Katharine M'Dougall anent her husband, Lord Ochiltree.

Whitehall, 10th November 1631. Alaster Grant.

89. Original of royal letter for postponing the trial of Alaster Grant, printed *ante*, p. 370, addressed to the Viscount of Duplin, Chancellor, the Earl of Strathern, president, and the remanent noblemen and others of the Privy Council of Scotland. Miscellaneous Papers.

12th November 1631. Letters of summons at the instance of Andrew, Bishop of Galloway, against the Earl of Galloway and others, feuars of the lands and tacksmen of the teinds of the diocese of Galloway, who have refused to pay their proportion of taxation to the said Bishop.

90. Letters of summons at the instance of Andrew, Bishop of Galloway, as follows:—"In the taxt roll of the pryorie of Whithorne" made in July, 1630, for the relief of the said Bishop, the feuars of the lands and tacksmen of the teinds ar rated as underwritten, but refuse to pay their proportions for the second term's payment of the said taxation of July, 1630, unless they are compelled. Charge is therefore to be given for this effect to the following persons for payment, as follows:—Alexander, Earl of Galloway, for the Mains of Whithorne, £19 16s. 11d.; for his lands of Stennok, £8 16s. 4d.; for his lands of Portyarrock, £14 14s. 7d.; and for his half of the Yle of Whithorne, £8 16s. 4d.; Patrick Vaus, fiar of Barnebarroch, for the lands of Cairletoun, Cairindone, Apilbie, Craigilmeyne, Craichdow, Owtoune Burges, Outoune Carver, Wig, Stennok, Alexander Stewartis Wig, Culmalyew, Airlies and Barberenoche, £174 18s. 8d.; and for his Mill of Apilbie, £17 12s. 9d., and his Mill of Little Aries, £5 5s. 10d.; Anthone Houstoun of Drummastoun, for his lands of Prestrie, £19 16s. 11d.; John Fleyming of Carwode, for his lands of Cruggiltoune Castell, £26 9s. 2d., and for his half of Cruggiltoune Cavens, £8 16s. 4d.; Alexander, Earl of Galloway, for his half of Cruggiltoun Cavens, £8 16s. 4d.; Alexander Cunninghame, fiar of Poltoun and John Ahannay of Sorbie, for their lands and mill of Poltoune, £52 18s. 4d.; Andrew Ahannay, for his lands of Whitehills, £8 16s. 4d.; Robert M^cCulloch, for his lands of Balsmith, £14 11s. 1d.; M^r Gilbert Gordoune, for his lands of Glenswintoune, £24 9s. 6d.; John Martene of Schedok, for his lands of Schedok, £8 16s. 4d.; Thomas Blance, for his lands of Wig, £7 1s. 2d.; Hew Kennedy, for his lands of Little Aries, £8 16s. 4d.; Harie Hathorne, for his lands of Meikle Aries, £11 7s. 7d.; John Murray of Brochtoune, for his lands of Outoune Chappell and Outoune Gallous, £19 8s. 1d.; M^r Andrew Stewart and Hew Donaldsone, for their lands of Wignegairne, £11 18s. 2d.; Thomas Kennedy of Ardmillane, for his lands thereof, £73 6s. 8d.; Lord Kintyre, for his lands of Kintyre, £88 3s. 10d.; Dame Katharine M^cCulloche, Lady Jedburgh, and Andrew, Lord Jedburgh, for their half lands of the Yle of Whithorne, £8 16s. 4d.; John Ahannay of Sorbie, for his corn mill of Whitehills and mill lands thereof, £8 16s. 4d.; Patrick Vaus, fiar of Barnebarroch, and John Fleming of Carwode, for their corn mill of Portyarrok and mill lands thereof, £5 2s. 4d.; the heretors and possessors of the crofts of Whithorne, £4 15s. 3d.; Alexander, Earl of Galloway, for his teinds of the kirks and parishes of Whithorne, Glassertoune, Cruggiltoune, Sorbie, Kirkmayden, Mochrum, Toschertoune, Closchant, Kirkdaill, Klanteis, Boig, and Gessertoune, £223 15s. 10d.; Neil Montgomrie of Langschaw, for his teinds of the kirk of

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Kirkmichel, £63 18s. 10d.; Sir Dowgall Campbel of Auchinbrek, for his teinds of the kirk of Culumyie, £70 11s. 1d.; John Murray of Brochtoune, for his teinds of Bruchtoune, Skedoche, Bruchtoun Weill, Outtoun Gallous, and Outtoune Chappell, £8 16s. 4d.; and Robert M^cCulloche of Drummorrell, for his teinds of Drummorrell and Arrow, 47s. 8d. Dated at Halyrudhous, 12th November, 1631. (Signed) JA: PRYMROIS." Two notes at foot state that the summons was produced on 10th and 12th January, 1632, by John Logane, messenger, and registered in the Books of Council by Mr. John Skene, clerk depute to Sir John Hamiltoun of Magdalens, knight, Clerk of the King's Register, Council and Rolls. (Signed) "M. J. SKENE."

91. Copy of the Act of Council dealing with the money collected for the distressed ministers of the Palatinate, printed *ante*, p. 357; signed by Geo. Cancell^s., Hadinton, Perthe, Hamilton, S^r Thomas Hope, Scottistarvett, and James Baillie. 15th November 1631. The ministers of the Palatinate.

92. Petition by Dame Katherine M^cDougall for permission to take leave of her husband, Lord Uchiltrie, with her children, as contained in the Act of Council thereon, printed *ante*, p. 358. The endorsement is signed by Geo. Cancell^s., I.P.D. and at the foot J. Prymrois. 15th November 1631. Petition by Dame Katharine M'Dougall, spouse of Lord Ochiltree.

93. Draft of the Act of Council in the matter between Francis Steuart and the Earls of Roxburgh and Buccleuch, printed *ante*, p. 358. 15th November 1631. Francis Stewart and the Earls of Roxburgh and Buccleuch.

94. Draft of the Act of Council ordaining the Earl of Nithsdale to produce Lord Maxwell, his son, printed *ante*, p. 363; also of the Act for exhibition of Andrew Anderson, a papist, printed *ante*, p. 363. 17th November 1631. The Earl of Nithsdale and his son.

95. Supplication by the Advocates, Clerks of Session, Writers to the Signet and Seals, and other members of the College of Justice anent their taxation, as contained in the Act of Council in their favour, printed *ante*, p. 363; with the finding of the Lords thereupon, signed on the back by Hadinton, Perthe, Ad. B. of Dunblane, Arch. Acheson, Hamilton, S^r J. Scottistarvett, and James Baillie. 17th November 1631. Supplication by the advocates and others anent the taxation.

96. Draft of the Act of Council in favour of the members of the College of Justice anent their taxation, printed *ante*, p. 363. 17th November 1631. The College of Justice and the taxation.

97. Copy of the Act of Council for the trial of James, Lord Uchiltrie, printed *ante*, p. 369; signed by Geo. Cancell^s., Linlithgow, Perthe, Lauderdaill, Dunkeld, A. M. Elphinston, and Arch. Acheson. 22nd November 1631. James, Lord Ochiltree.

98. Copy of the Act of Council in favour of Thomas Gordon, brother of the Laird of Letterfourie, printed *ante*, p. 370. 22nd November 1631. Thomas Gordon, brother of the Laird of Letterfourie.

22nd November 1631. Petition by Robert, Earl of Roxburgh.

99. Petition by Robert, Earl of Roxburgh, as embodied in the Act of Council thereupon, printed *ante*, p. 373. Indorsed "*Apud Halyrudhous, 22 die mensis Novembris*, 1631; the Lordis ordains the pairtie to be warnit to Thurisday nixt to heir the desyre of the supplicatioun granted. (Signed) GEO. CANCELL^{R}., I.P.D., (and at foot) J. PRYMROIS." Also with note of execution upon the same day by James Dowglas, macer, against Frances Steuart, personally apprehended; witnesses, Mr. William Dowglas, macer; and John Cranstoun of Thornydykes, signed and signeted by the said J. Douglas. It is also noted on the petition that on 24th November, 1631, it was decerned in terms of his Majesty's letter. Miscellaneous Papers.

Francis Stewart.

24th November 1631. Patrick Con.

100. Draft of the Act of Council in favour of Patrik Con, printed *ante*, p. 372.

25th November 1631. James, Lord Ochiltree.

101. Copy of the Act of Council postponing the trial of James, Lord Uchiltrie, printed *ante*, p. 378.

26th November 1631. The Lairds of Tulliallan and Blair.

102. Copy of the Act of Council in reference to the feud between the Lairds of Tulliallan and Blair, printed *ante*, p. 378; signed by Geo. Cancell^{R}., Hadinton, Linlithgow, Traquaire, Arch. Acheson, Hamilton, S^{r} Thomas Hope, S^{r} J. Scottistarvett, and James Baillie.

29th November 1631. The slaying and sale of wild-fowl.

103. Copy of the proclamation forbidding the slaying or sale of wild fowl, printed *ante*, p. 379, signed by Geo. Cancell^{R}., Hadinton, Wintoun, Linlithgow, Wigtoun, Aire, Traquaire, Arch. Acheson, and James Baillie.

1st December 1631. Inventories of money lent at interest.

104. Copy of the Act of Council appointing another term for the upgiving of inventories of money lent at interest, printed *ante*, p. ; signed by Geo. Cancell^{R}., Hadinton, Wintoun, Linlithgow, Wigtoun, Dunkeld, Aire, Arch. Acheson, Traquaire, and James Baillie.

1st December 1631. The same.

105. Letters of Charge proceeding upon the above Act of Council ordaining messengers to pass and make proclamation thereof at the market crosses of the head burghs of the kingdom and other necessary places.

6th December 1631. Supplication by Sir John Ogilvy of Craig.

106. Supplication by Sir John Ogilvy of Craiges as set forth in the Act of Conncil in his favour, printed *ante*, p. 384; in which he adds, after referring to his wish to die in his own house, "and iff it pleas God that I convoless off this heawie seiknes I sall at the nixt spring off the yeir be redie to remaine quhair it sall pleas your lordshipis to derect me to be confyned." On the back is the finding and decision of the Lords of Council in the case. (Signed) "GEO. CANCELL^{R}., I.P.D.," and in terms of the above Act.

Miscellaneous Papers.

107. "Edinburgh, *nono Decembris, 1631.* Edinburgh, 9th December 1631.

Richard Mowat, examined upoun the particuleris underwrittin, deponis, That the night quhen the house of Frendraught wes brunt he come to the Newmiln at midnight and that one of the men servandis oppinit the dur to him; and denys that Jeane Wode hes duelt with young Pitcaple the yeir bigane, and that the deponer saw hir nocht this yeir bigane. Grantis that he wes in service with Jeane Wode quhen sho dwelt with Pitcaple. Deposition by Richard Mowatt anent the burning of Frendraught.

Jeane Wode, examined and confronted with Richard Mowat, depones and grantis that sho wes not in the Newmyln this half yeir bigane and that all that she deponed wes by relatioun frome hir sister and mother sister, and that sho saw no suche thing hir selff; and depones upoun hir oath, being sworne, that John Toshe and George Spense seduced hir to say that sho had seene that whilk sho only hard by relatioun. (Signed) M. G. Prymerose. Deposition by Jean Wood anent the same.

John Toshe examined, deponis he never saw Jeane Wode before he saw hir at the ferrey of Dundee, at which tyme he having hard of Gordoun of Murereray that Jeane Wode had beene making strange discourses concerning the burning of the hous of Frendraught, the deponer said to him that he believed nothing of that purpois that sho had said, and denys that ever he had ony conference with Jean Wode concerning these bussynes. Depons that Jeane Wode come to supper with thame in Kennoway that night thay come fra Dundee, and that sho hes ordinerlie resorted in Frendraughtis house since hir comeing heir. Deposition by John Toshe anent the same.

Jeane Wode, being confronted with John Toshe, grantis that sho said to Frendraughtis servandis that hir sister and mother sister had reported to hir all that sho hes deponit before; and denyis that John Toshe bad hir say that sho hard and saw all hir selff, but only that Frendraughtis servandis bad hir byd be what sho had said. Admission by Jean Wood.

The Laird of Bamff, examined anent Jeane Woode, deponis that he hard by George Spence of the discourses maid be Jeane Wode, quhairupoun he questioned hir upoun the particuleris, bot denys that ever he gaif hir money or bad hir say wrong anent Richard Mowat. Deponis that he saw him in Leggerden after supper the night that the house of Frendraught wes brunt, bot denys that he saw him in Pitcaple upoun the Saterday thairafter. Deposition by the Laird of Banff.

George Spence examinat and sworne upon his suborning of Jeane Wode denys upoun his grite [aith] that neither he nor any other to his knawledge ever delt with hir to speke [anie] thing bot the veritie, and that Banff had no conference with Jeane Wode bot what Mureck and the deponer had. Statement by George Spence anent Jean Wood.

Johne Leslie of Blaquhane, examined, deponis that upoun the Saterday after the burning betuix ten and ellevin houris in the morning he saw Richard Mowatt standing in the hall of Pitcaple. Deposition by John Leslie of Blaquhane.

Deposition by Patrick Stewart.

Patrik Stewart, sworne, deponis that upoun the Fryday at night that Frendraught wes brunt he saw Richard Mowatt in Leggerden, bot rememberis not that he saw the morne after in Pitcaple.

Deposition by James Anderson.

James Andersone, sworne, deponis *conformis* to Patrik Stewart *in omnibus*.

Deposition by Robert Dempster.

Robert Dempstar, sworne, deponis he wes in Pitcaple the night that Frendraught wes brunt and that he lay with John Meldrum and saw Richard Mowat in the hall of Pitcaple about eight of the morning, and dyned there at ten houris the Saterday after the burning.

Deposition by Patrick Leslie.

Patrik Leslie, sworne, deponis that upoun the Fryday at night that Frendraught wes burnt the deponer and Richard Mowat come to Leggerden about eight of the cloke at night and stayed there twa houris, and thairafter Richard Mowat went his way; and deponis upoun his oath that upon the Saterday thairafter he went to Pitcaple and saw Richard Mowat there at eight of the cloke in the morning and left him there at tuelff.

Deposition by Robert Wilson.

Robert Wilsone, sworne and demandit quhat speeches past betuix him and George Meldrum of Hattoun, deponis that after the burning George Meldrum " [Here the paper ends and is immediately followed by the signature of M. G. Prymerose. On the back is " Richard Mowatt and Jeane Wodis confrontatioun, *nono Decembris* 1630 " [*sic*].

13th and 20th December 1631. The Lords of Session and their taxation. The annuities of teinds.

108. Copy of the Act of Council accepting the offer by the extraordinary Lords of Session for their taxation, printed *ante*, p. 390.

Also on the same paper, copy of the Act of Council ratifying the Act anent the annuities of teinds, printed, *ante*, p. 396.

Holyrood House, 14th December 1631.

109. Extract of the Act of the commission of Surrenders and Teinds confirmed by the Council on 20th December, *ante*, p. 396.

" *Apud Halyrudhous, decimo quarto die mensis Decembris, anno Domini millesimo sexcentesimo tricesimo primo.*

Ratification of an act of the Commission of Surrenders and Teinds anent the proportion to be uplifted by the titulars and his Majesty from the annuity of teinds till the constant rent be determined.

Forsameekle as ane great nomber of his Majesteis lieges differres and lyes out in making of thair valuations of purpose to differre and delay the payment of his Majesteis annuitie till the valuations be made, quhilk is not onelie prejudiciall to his Majestie, bot also in end will prove greevous and troublesome to the subjects by drawing upon thame at once the arrerages of the said annuitie of all yeeres bygane and in tyme coming till the same be valued; for remeid whairof the Lords and others of the Commissioun for the Surrenders and Teinds hes ratified and approvin, and be thir presents ratifeis and approves ane Act made be thame upon the 23 of Marche last bypast, whairby it is ordained that in all teinds whilks sall be unvalued betuix and the first of August than nixtocome and now last bypast, the titulars sall have right to the fyft

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part of the present rent whill the constant be determined; and that also his Majestie sall have right to uplift his annuitie according to the fyft part of the said present rent for ane interim ay and whill the said constant rent be determined; quhilk act hes hitherto not beene putt in executioun in the annuitie of teind bollis in respect the difference betuix the best bollis and inferiour bollis of teind in ilke part of the countrie is not nor cannot be perfytelie modified and condescended upon be the Table till the valuation of the constant rent and pryces of the bollis in everie province and part of the countrie be determined. And thairfoir and to the effect the said annuitie may be universallie payed and thereby these of the lieges who lyes out urged and forced to prosecute thair valuations of the constant rent, it is statute and ordained for ane interim that the annuitie of teinds consisting in victuall sall be payed to his Majestie of all yeeres bygane and in tyme comming conforme to the tennour of the said last act, and that according to the just and trew pryces of the victuall in ilke part of the countrie, compting for ilke hundreth merkes of the pryces of the said victuall being redacted in money sax merkes for ilke hundreth merkes. With this declaratioun alwayes that the said annuitie doe not exceid the annuitie imposed upon the best bollis be the Act of Annuitie; and that this course sall onelie stand and have place for ane interim till the valuations of the constant rent be determined and no longer. *Extractum de libris Actorum Commissionis predicte per me Jacobum Prymrois, clericum ejusdem, sub meis signo et subscriptione manualibus*, JACOBUS PRYMROIS." On the back the Ratification by the Council is endorsed, signed by "GEO. CANCELL^{R}., I. P. D.," and "DUNKELD."

110. Copy of the Act of Council for citing witnesses in the burning of the house of Mr. David Leitch, printed *ante*, p. 396. 20th December 1631. The burning of Mr. Leitch's house at Dundrennan.

111. Original of royal letter concerning the Earl of Roxburgh and the rentals of Kelso, dated 8th February, 1632, and printed *ante*, p. 429. Marked at foot "xxj *Februarij* 1632, *fiat*," and addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Stratheren, President of the Council; and remanent members of the Privy Council of Scotland. 8th February 1632. The Earl of Roxburgh and the rentals of Kelso.

112. Original of royal letter intimating the postponement of the royal visit till next year, dated 15th February, 1632, and printed *ante*, p. 441. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Stratherne, President of the Council; and remanent members of the Privy Council of Scotland. 15th February 1632. The King's visit.

113. Original of royal letter respecting John Gordon of Craig, dated 19th February, 1632, and printed *ante*, p. 491. Addressed on the back 19th February 1632. John Gordon of Craig.

to the Viscount of Duplin, Chancellor; the Earl of Strathern, President of the Council; and remanent members of the Privy Council of Scotland. Miscellaneous Papers.

18th March 1632. Trial of Alaster Grant.

114. Original of royal letter for postponing the trial of Alaster Grant, (the date to which the trial is continued not being filled in), dated 18th March, 1632, and printed *ante*, p. 478. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Strathern, President of the Council; and the remanent members of the Privy Council.

21st April 1632. The trial of John Grant of Glenmoriston.

115. Original of royal letter concerning the trial of John Grant of Glenmoriston, dated 21st April, 1632, and printed *ante*, p. 482. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Strathern, President of the Council; and remanent members of the Privy Council of Scotland.

18th May 1632. The Hamburg ships.

116. Original of royal letter relating to the goods of the Hamburgh ships taken by virtue of letters of reprisal, dated 18th May, 1632, and printed *ante*, p. 490. Directed to the Viscount of Duplin, Chancellor; the Earl of Stratheren, President of the Privy Council; and remanent members thereof.

Edinburgh, 7th June 1632.

117. "Chancellor; Previe Seale; Bugcleuch; Erskyne; Carnegye; Tracquair; Bishop of Dumblane; Ilis; Advocat.

Deposition by Captain George Ogilvie anent a conversation between him and Major Francis Sinclair at Elsinore anent the burning of Frendraught.

The quhilk day Capitane George Ogilbie, being sworne and demandit quhat discourse past betuix him and Major Frances Sinclair beyond sea concerning the burning of the house of Frendraught, deponis—That some tuentie sex oulkis since or thairby, having forgatherit with Major Sinclair at Elesnore in the toun of Elesnore he shew the deponer that he had learned frome his serjante that thair wes one of his company quhom he had taken up in his recrew that being one night after drink had shakin his pocquet, quhairin thair wes a hundreth and some odd peeceis, and said unto the rest of the souldiours that he might serve the King of Suaden all his dayes before he wald gayne so muche money as he had in his pocquet whiche he had gottin for helping to some peece of service in Scotland, and that the said souldiour had declarit that he wes a cook serving in the house of Frendraught the night that the same wes brunt; and that thairupoun Major Sinclaire said to the deponer that if he had knowne him to haif bene one of that . . . he wald not haif taken him in service bot that he wald . . . .[1] care of his lyffe and that he sould mak him furthcumand to his tryall quhenever he sould be requirit. Deponis that [after] this discourse the deponer went into the hoys quhair the company wes, and inquyred the serjante concerning the [trewthe]

[1] The document is mutilated, especially at the foot, where a large piece has been destroyed by damp.

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of this mater, who repeited the selff same . . . . . who declares that he saw the m . . . . . foote about threttie . . . . . and deponis that shortlie after . . . . . footemen . . . . . no other . . . . . .

The said Captane Ogilbie being re-examined deponis that Major Sinclair declared to him that being unprovydit of moneye he had borrowed a pairt of the souldiour his gold whiche he said wald be a meanes that the les notice wald be taken both of the speeches and of the moneye, and that the Major said that he wald be so tender of that souldiouris lyffe that he wald nocht hasaird him upoun ony service bot keepe him as his awne cooke, and that if he sould happin to dye in ony toun the Major wald be carefull to caus the magistrats thairof mak a perfyte record of quhat the souldiour sould declair in that bussynes. Deponis that having demandit and learned the souldiouris name he patt the same up in his stone book quhilk is now deleit, bot to his rememberance his name wes Adamesone or Mathesone or some suche name. (Signed) GEORG OGILBY."

118. Copy of the King's letter to the Council to assist the Lord High Admiral in prosecuting the purchasers of goods from pirates, printed *ante*, p. 573. Indorsed "Coppie for the Chancellour."

Newmarket, 23rd October 1632. The purchasing of goods from pirates.

119. Extract of the Act of Council respecting the preparations for the King's visit and restraining the exportation of victual, printed *ante*, p. 571. (Signed) "JACOBUS PRYMROIS."

20th November 1632. The King's visit and the export of victual.

120. Commission to Alexander, Master of Forbes, James Gordoun of Lesmoir, and Mr. James Elphinstoun of Barnis, or any one of them, to search for and apprehend Patrick Tower and Alexander Smith, *alias* Stowtie, two notorious thieves and vagabonds, who have long lived upon theft and masterful oppression, and by whose insolencies some honest householders have been reduced to great misery. They have also been encouraged in their nefarious doings by the slowness of the ordinary magistrates to take order with them. They are also to hold courts and try them, and cause justice be administered upon them. Undated, but signed by Geo. Cancell^{r}., Mar, Wintoun, Roxburgh, Ar. Naper, and S. W. Oliphant.

Undated. Commission to Alexander, Master of Forbes, and others to arrest Patrick Tower and Alexander Smith, two notorious thieves.

121. "The offeres maid be Sir Jhone Ogilvy of Craigs which he is contentt be injoyned to him under what penaltie the Lordis schall think expedientt by Act of Counsall for giwing satisfactioun to the complent maid aganist him be the ministeris of the Presbiterie of Miggill in thair letter send to the Bischoip of Brechine to the end he may repair to his owen howss agane and remane thair without offence.

Undated, but *c.* 1631. Terms offered by Sir John Ogilvie of Craig, Papist, for the satisfaction of the Presbytery of Meigle.

Imprimis, I am content to be oblised for causing my sone upone whom they complaine and the remnant of my childrene and domestikes to resort to the Churche every Sabaothe when possiblie they may.

Nixt, that I schall trawaill noveyes upone the Sabaothe fra my owen howss or profane the same be ony sclanderous behaviour in my owen person nor any that art in my powar.

Nixt, I am content to be confyned within the boundes of two mylles about my owen howss.

Nixt, not to resave any Jesuit or mess preist within my howss, nor to be found resoning agane the religioun presently professed in the Kirk of Scotland.

Finalie, becaus it is allaiged that the Bischoip of S^{t} Androis promised to them that my ward sould not be inlairged except I gaive satisfactioun to the presbiterie of Meggill, I am contentt that the libertie which I craiwe to retourn to my owen howss be granted only to continew till my Lord Archibischoip of S^{t} Androis retourn; at which tym gif thir offeres schall not be thocht sufficientt be him for satisfactioun of the presbyterie of Miggill, or gif in the mentym I schalbe found to have transgressed in any of the premisses, in thatt kaiss I schalbe contentt that any punishmenttis or penaltie be inflicted one me which the Lordes of his Majesteis most honourabill Priwie Counsall schall find expediantt. (Signed) S^{r} JHONE OGILVY of Craigs."

[The following additional Miscellaneous Privy Council Papers have been discovered since the foregoing were in print.]

14th February 1631. Subscription of the names of the skippers of Pittenweem, Kirkcaldy, Leith, Queensferry, and Dundee, in favour of his Majesty's proposal to erect lights on the Isle of May.

122. "Whereas it hes pleased the Kings most excellent Majestie out of his royall and tender care of the weale of his subjects and saulfetie of thair lyfes and goods to propone to his Majesteis Counsell the consideratioun of the expediencie of setting up of lights in the yle of the May for the better preservatioun and saulfetie of shippes arryving within the firth, and whereas we, the persouns undersubscryving, hes speciall interesse in this bussines, thairfoir we, for the better informatioun of his Majesteis Counsell anent the expediencie of the said propositioun, out of our awne certane knowledge doe testifie and declare that his Majesteis propositioun foresaid is most royall and just, and the prosecutioun thairof most expedient and necessar for the weale of his subjects; and in testificatioun heirof we have subscryved thir presents with our hands, as followes:—

14th Februar 1631. Subscryvit at Pettinwem be us, the maisteris of schipis undersubscryweand presentlie at home:—William Richartsone, master; David Bining, maister; Frederick Cuik, maiester; George Smith, maister; Androw Simson, maister; Paull Methven; George Scott, mestere; William Stewinsoun, maistere; David Robertsone, master; Thomas Paige, mester; William Fairlie; John Cowane.

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The subscriptione of the skippers of Kircaldye, 24th Februar 1631.—William Mellvill, skyper; Thomas Wilsone, skippir; David Alexander, meister; Thomas Rychardson, mester; Andro Watsone; Androw Richertson, mester; George Kellie, skipper; William Dersy, elder; John Thomson; Allexander Betton, master; Jhone Dawe, master; James Dawe, master; David Bald, master; Androw Daw, master; Williame Kid, meister; Robert Lugdoun, Walter Cokburne, James Sibbald, George Strachan, Henre Schankis, Patrick Wallet, Mertine Lochquhor.

We under subscryvers for the town of Leith, the last day of Febrwarye, 1631.—D. Robertsoune, skipper; D. Logane; Florence Martine, skiper; James Hoome; Alexander Baine, Alexander Home, Gilbert Woddell, Thomas Logane, Johne Logane, Alexander Stewert, Androw Dwnnie, Williame Robesone, Thomas T.D. Dormond, mark; Johne Lukope, George Scott, Johne I. B. Broun, mark; William Broun, Thomas Lindsay. . . . . .

For the Quenisfery.—Edward Littel, David Wilsone, Williame Lowry.

Dondi.—Andrew Abircrombi, Thomas Dischington, Jhon Blak, Gilbert Andersone, Williame Coile."

22nd February 1631. Report of the trial of John Philip, vagabond, for sorcery and witchcraft.

123. Report of the trial of John Philip, vagabond, for sorcery and witchcraft, in the courthouse of Bamff by James, Lord Deskford, and Robert Wilsoun of Brakanhillis, sheriff depute of Bamf, in terms of a commission to them, dated at Halyruidhous, 8th September 1630, Mr. William Sharp, notary public, being appointed clerk of the said court, James Wynchester, burgess of Bamf, procurator fiscal, and Alexander Mure, doomster.

"The said day compeirit the said James Wynchester, procurator fishall, assistit with the whole ministrie of the presbi[trie] of Fordyce, M^r^ Thomas Mitchell, minister at Turreff, M^r^ Williame Steinsoune, minister at Gamerie, and M^r^ James Melvill, minister at Alva, and efter the reiding of the forsaid commissioune presentit Jhon Philp, vagabound, this lang tyme bygone suspect and delate guiltie of the detestable cryme of witchecraft, sorcerie, inchauntment, useing of charmes and wtheris devilish practises, offensive to God, scandalous to the true religioun, and offensive to dyverse his Hienes subjectes; togidder with ane dittay indyteing the said Johne Philp of the poyntis underwritin, denyit and confessit as followis. Imprimis, for the charming of Gilbert Leslie in the paroche of Fyntray by putting of him throw ane hesp of yairne; quhilk he denyit. Item, for charming of Andro Clerk in Fyntray by casting the seiknes aff of him and putting it upon ane oxe worthe fourtie merkis, quhilk oxe thairefter diet; quhilk lykewayis he denyeit, bot efter lang dealing and conference with him confessit that he charmeit sindrie persounes within the parochin of Fyntray of the feveris, and that he

fledd out of the said parochin for feare of M^r^ William Steinsoun, minister thaire. Item, for washeing of Alexander Gifferd in the paroche of Ava in maner conteinit in that poynte of the dittay; confessit the said poynte, and, being askit how he haid this, ansuerit that he knew it was of no goode meane nor from God bot from the devill. Item, being indytit for the weshing of George Frasir in Untlaw, confessit he nevir knew anything therof, [bot] that now and then as a poore man being ludgeit with him knew nothing of him bot as of ane honest man; he haid no dealling as will knowen to the juges and ministry forsaid haifing tryit his dissease and conversatioun. [Item], confessit the charming of James Maltman in Bamff his sone for the feveris with the queine of fairies, quhilk wes verifeit be the said James Maltman himselff. Item, indyteit for the washing of Janet Alexander, spous to George Wallace in Insche , confessit the washeing of the said Janet Alexander and affirmit that the . . . .]ald do evill, and commandit that the . . . . . Item, for the washing of Jhon Fergous in Forefauldis, quhilk the said Johne Fergous confessit, verifeit that ane coale being putt in a tame cann the hous had almost fyreit, and the said Johne Philp confessit and repeatit the wordis of the charme. Item, confessit the charmeing of Marjorie Cobanes cow, spous to Thomas Glen, with a belt that haid bein putt about ane deid bairne. Item, confessit the charming of Marjorie Ryott, spous to Thomas Weddell in Bamff; of James Cummingis wyif in Sietoun of Bamff, and Janet M . . soun, spous to umquhill Johne Pettindreich in Bamff, by taking of the plaittes of thair haire, and the said Thomas Weddell and Johne Pettindreiches wyifes diet. Item, confessit the charming of Robert Smyth in Boiginhilt his meare by putting a peice lether undir the mearis wombe and about hir back. Item, confessit the charming of Thomas Byithe in Newtoun his oxen with hespis of yairne. Item, confessit the washing and charming of Helen Turnour, spous to Robert Wicht at the miln of Alva. Item, confessit the charming of Andro Gilbert and Alexander Gates in Quhytehill for the feveris. Item, confessit the washeing of Margrat Gellie in Dury. Item, confessit the washeing of Elspet Thomesoun, spous to Andro Ewin in Berrihillok. Item, confessit the washeing of Janet Lord in Ardmealie. Item, confessit the washeing of Gilbert Symes wife wobster in Badinspink. Item, confessit the washeing of George Reburnes wyif in Toristoune. Item, confessit the charming of Agnes Milne, spous to Peirie in Milntoun of Deskfoord. Item, confessit he knew quhan weshing or charming [wes to be] useit and that weshing was not to be useit bot quhen there wes bewitcheing. Item, confessit that he useit and orisounes efter he wes bund and inactit in sessiounes of kirkis buikis not to use them in tyme cumming. Item, confessit the charmeing of Johne Donald at the new miln of Strathylay of the feveris, and affirmit that the dissease was cassin upon

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him. Item, confessit the geving of potiounes and useing of oriesounes to George Braibnar in Cullen, as wes verifeit be George Douglas, minister at Cullen, and M^r^ Patrik Daig, persoun of Fordyce, to quhom the said George relatit that the said Johne Philp come unrequyrit and being repellit the said George become worse throw the saids potiounes and wald never luike thareftir on [them]. Item, confessit that he was baneishit for useing of charmes and sorceries for all kyndes of disseases . . . . . and fearing attachement and puneishment fledd out of the parochines of Fyntray, P . . . , Ellon, parochines of Abirchirdour and Auchtirless. Item, confessit that he wald heall ane Janet Urquhart of a . . . and freneisie quharwith sho hes bein trublit thir tuelff yeiris bygone. In respect of the quhilk dittay and confessioun forsaid the juges forsaidis, being advyisit with the dittay and confessioun forsaid, remittit [the said Johne] Philpe to the tryall of the persounes of inqueist following, being lawfully summoundit to that effect.

NOMINA ASSISÆ.

Gilbert Mair of Awaldis, Johne Ogistoun of Reidoupes, Walter Stewart in Ryland, Johne Abirnethie of Torax, Alexander Gordoun in Sandlaw, James Clerk in Boig, Jacob Steinsoun in Cullynart, James Hochat of Cairnetoun, James Lorimer in Auldtoun of Ordiequhill, Johne Andersoun in Dallochie, Patrik Broune in Dallochie, Johne Andersoun in Forglen, Robert Andersoun in Smiddieboyne, Gilbert Shand in Boigtoune, Mr. Thomas Mortimer in Tippertie.

The haill assyise in ane vote electit and nominat the said Johne Abirnethie of Torax thair chancelloure.

The haill in ane voice convictes the said Johne Philp of the haill poyntes of the dittay, as it is confessit be him selff, and as ane sorcerar and charmare and illudare of the people; and thairfor thinkis him worthie of deith as him selff in presence of the haill assysoures confessit that he haid bein such a man from the beginning and that he was worthie of deathe, haifing useit such diveleish practizes, and that he knew that his washingis and wateris he useit haid done great evill. And the assyise remittis the forme of his deathe to the juges thair will and decreit, and hes gevin furth thair declaratour be the mouthe of thair chancellour forsaid. *Et sic subscribitur*, Jhon Abirnethie, chancellor. Efter the publict reiding of the quhilk declaratour of the assyise, the juges forsaidis decernes and ordaines the said Jhone Philp to be band to ane staike, than wirreit, and thaireftir his bodie to be [burnt] to ashes at the commoun place of executioun. And doome gevin heiron be Alaster More, dempster. *Et sic subscribitur*, Deskfoord, Robert Wilsoune. *Extractum, etc.*

Gul^s^ Sharp notarius pub^s^ clericus dicte curiæ. "

14th April 1631. Supplication by Mr. William Falconer, parson of Moy.

124. Supplication by Mr. William Falconer, parson of Moy, as follows:—He is charged to pay the first term's payment of the taxation granted in July last for the parsonage of Moy, but can get no relief thereof from the tacksmen as there is no roll made; and he therefore desires letters to charge the tacksmen, subtacksmen and possessors of the said teinds to meet with him at the Kirk of Moy and make the necessary roll in terms of the Act of Parliament for that effect. [On the back] "*Apud* Halyrudhous, 14 *Aprilis*, 1631. *Fiat ut petitur*."

2nd June 1631. Supplication by John Fleming, merchant burgess of Glasgow, that George Barclay and Walter Stirling, bailies of Glasgow, whom he accuses of illegally warding him, may be brought before the Council.

125. Supplication by John Fleeming, merchant burgess of Glasgow, as follows:—George Barclay and Walter Stirline, bailies of Glasgow, have conceived such a hatred to him that they resolved to affront and disgrace him, and as they could not accomplish it otherwise, they resolved to effect this under colour of their office. Accordingly on May last, while he was peaceably walking on the street of Glasgow, they came to him with two of their officers and apprehended him at 7 o'clock in the morning, committed him to ward in the house of Gavin Naismith, their jailor, and kept him there until the evening, though no person had complained to them of him, and they had no letters of caption or other act of warding; but while he was thus warded, they sent round to all his creditors with whom he was then in terms of agreement and payment, and moved them to arrest him by caption. Hereby he has not only lost his credit, but his estate is wrecked and undone by the rigour of his creditors in taking advantage of his unjust imprisonment procured through the hard and uncharitable dealing of the said bailies. As they have thus abused their lawful authority for their own ends to wrack and undo honest men, he craves that they be summoned before and censured by their Lordships. [On the back] "*Apud* Halyrudhous, *secundo die mensis Junii*, 1631. *Fiat ut petitur* with the ordiner provisioun.

GEO. CANCELL^{R} I.P.D."

1st July 1631. Supplication by Andrew Forbes, at the Mill of Clinterlie, for a summons against James Arbuthnot in Kinmundy and Mr. George Leslie in Birsackmylne, whom he accuses of assault.

126. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Andrew Forbes at the Mill of Clinterlie, as follows:—In violation of the laws forbidding the wearing of hagbuts and pistols, on May last James Arbuthnet in Kinmundie and Mr. George Leslie in Birsackmylne, armed with swords and hagbuts and pistols, came with a piper with a great pipe playing before them under cloud and silence of night to the house of the said Andrew Forbes for the purpose of taking his life. They "ropped at the doores and preast to have brokin the same up; bot not being able they come to the windowes where I lay, strake in with thair drawin swords, presented thair pistolets and held in the great end of the pype to provoke me to come forth." They so terrified his wife that she became very sick "and at last parted with barne." Further, on thereafter "the said James Arbuthnot come ryding on horsebacke with ane sword and paire of pistolets at his belt toward my dwelling hous on

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purpose to have slaine me," And now lately on 22d June last Arbuthnot and Leslie came to his house and attempted to bridle him, which he resenting, they drew their swords and struck out at him until the sword broke, and then Arbuthnot levelled a pistol at his breast, which he was only prevented from firing by some gentlewomen casting their gowns over it. Moreover, his wife, who was not recovered from her last sickness, was by this new assault cast "into ane deidlie disease of the quhilk she is not lyke to recover." A summons is craved against these assailants. (Signed) S. Thomas Hope. [On the back] "*Apud* Halyrudhous, *primo die mensis Julij*, 1631, *Fiat ut petitur*."

2nd July 1631. Supplication by Sir James Lockhart, younger of Lee, for a summons against Robert Kennedy and Patrick Aitken, whom he accuses of removing his boundary stones.

127. Supplication by Sir James Lockhert, younger of Lee, as follows:—The lands and barony of Lee pertain heritably to him, and are divided from the neighbouring lands by certain march stones which have been set there for many years. He did not think that anyone would have interfered with these, yet contrary to the laws of the realm, Robert Kennedie of Auchinglen and Patrick Aitken there came on May last to his said lands, "violently removed and kuist away the saids merche stones and with spaids and instruments brought with thame for the purpose kuist and levelled within my proper bounds be the space of fyve or sax paire of butts ane elne and half ane elne deepe." He craves summons against them. [On the back] "*Apud* Halyrudhous, 2 July, 1631. *Fiat ut petitur*."

4th July 1631. Supplication by Robert Douglas of Blaikester, that the feuars, tacksmen, and pensioners of the Priory of Coldingham may be compelled to pay their proportion of the taxation.

128. Supplication by Robert Dowglas of Blaikester, donator to the escheat and liferent of John Stewart of Coldinghame, narrating that in a court held at Eymouth on 13th October last the feuars, tacksmen and pensioners of the Priory of Coldinghame were taxed in the aftermentioned sums of money as their parts of the supplicant's relief of the taxation of July last, but that they will make no payment thereof unless they are compelled. He therefore craves letters against them for payment of the first term's portion of the said taxation to him or his factors, viz.:—"James, Erle of Home, for his lands of Northfeild, Fewlawes and Loch with the teinds includit, £25; Dame Marie, Countesse of Home, for her lands of Auld Cammes with the teinds includit, £18 15s., and for her lands of Fastcastell and Duddoholme with the teinds includit, £22 10s.; Sir David Home of Wedderburne for his lands of Eymouth, £3 15s.; Sir Patrik Home of Aittoun for his lands of Aittoun and Aittonmaynes, £37 10s.; Issobell Home for her lands in Coldinghame, £6 5s.; Dame Katharine Home, Ladie Hundwod, for the lands of Hundwod, £22 10s.; Sir Johne Home of Blacader for his lands of Fisheweik and Achincraw, £21 16s. 6d.; Sir George Home of Manderstoun for the lands of Steill, Pressis, Floores, Hielawes, Coldinghame, £13 2s. 6d.; Johne Swintoun of that Ilke for his 110 husbandlands, £68 15s.; Christiane Home, relict of vmquhill Robert Home, for his

lands of Fisheweik for her lands there, 27s.; Sir David Home of Wedderburne for his lands in Paxtoun and Rentoun, £17 9s. 10d. 2f.; David Home of Nynewalls for his lands of Beoparke, 12s. 6d.; Andro Home of Ridpeth for his lands there, 25s.; Patrik Home of Broomehous for his lands there, £3 2s. 6d.; Henrie Carmichell for his lands of Edrem, £9 7s. 6d.; Alexander Cranstoun of Morestoun for his lands of Eastnisbit, £10 12s. 6d.; Crichtoun, relict of umquhill Alexander Chirneside, for her lands thair, £14 7s. 6d.; Robert Craw for his lands of East Restoun, £4 7s. 6d.; Sir David Home of Wedderburne for his lands in Coldinghame and Restoun, £4 7s. 6d.; Archibald Edingtoun for his lands in Coldinghame, 12s. 6d.; Francis Melvill for his lands thair, 6s. 3d.; William King and Harie Home for thair land there, 27s.; Johne Lichthorns for his lands in Coldinghamlaw, 6s. 3d.; James Craw for his lands in Quhytfeild and Eymouth, £3 8s. 6d. 2f.; Marion Ker, relict of Alexander Home, and Alexander Home, her sone, for their lands in Blakhill and Eymouth, £7 10s.; Jonet Home, relict of umquhill William Craw of Falabanke, for their land in Swinwood. £6 17s. 6d.; Patrik Craw for his lands in Swinwod and West Restoun, £6 5s.; Mr. Alexander Smith for his lands there, £2 16s. 3d.; Patrik Home for the maynes of West Restoun, £5; David Paxtoun for his lands in West Restoun, £5; James Wardlaw for his lands there, 50s.; William Ellem for his lands there, 27s.; George Fair for his lands there, 12s. 6d.; William Jonstoun for his lands there, 12s. 6d.; Thomas Gillie for his land there, 12s. 6d.; Alexander Purves for his lands there, 12s. 6d.; for his land there, 12s. 6d.; for his land there, 12s. 6d.; Alexander Craw for his land there, 12s. 6d.; Alexander Hopper for his land there, 12s. 6d.; for his land there, 3s. 1d. 2f.; Magdalene Paxtoun for her land there, 3s. 1d. 2f.; Robert Castellaw for his land there, 3s. 1d. 2f.; George Craw for his land there, 3s. 1d. 2f.; Patrik Hall for his land there, 3s. 1d. 2f.; Nicoll Home in Beapark for his lands in Sheillupdikeis, 27s.; Johne Craw in Auchincraw for his land there, 50s.; Johne Bowr for his land there, 27s.; Johne Beig for his land there, 27s.; Lancie Paxtoun for his land there, 27s.; Johne Home of Rentoun for his lands thereof, £17; the Ladie Brako for her lands of Horsley, Swanfeild, Coldinghamelaw, Coldinghametoun and Eymouth, £14 13s. 9d.; Patrik Home for his lands of Coldinghamelaw, Coldinghametoun and Hillend, £22 8d.; James Rentoun of Billie for his lands of Auchincraw and Lambertoun, £26 5s.; Alesoun Home, Ladie Lumsdene, for her lands in Lumisdene, Coldinghame and Eymouth, £12 17s. 6d.; Logane for his lands in Coldinghame, 31s. 3d.; Barbara Seatoun for her lands there, 12s. 6d.; Alexander Home in Aittoun for his land there, 12s. 6d.; George Home for his land there, 12s. 6d; Johne Rentoun for his lands in Achincraw, 25s.; Johne Purves for his land there, 12s. 6d.; Johne Paxtoun for his land there, 18s. 9d.; James Bowr for his land there, 6s. 3d.; Robert Cokeburne for his lands in East Restoun and

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Eymouth, 50s.; Johne Gray for his lands there, 25s.; Johne Bowmaker for his lands there, 25s.; Sir James Lundie for his lands there, 12s. 6d.; Mr. Alexander Lawder for his lands of Flemingtoun, 5s.; William Craw for his lands of Neatherbyre, £5 10s. 8d.; William Broun for his lands of Brounisbanke, 50s.; Johne Dunlop for his lands in Flemingtoun, £5 10s. 8d.; Archibald Fishe for his lands there, 50s.; James and Helene Crawes for their land there, 50s.; his halfe lands in 6s. 3d.; his halfe lands in Eymouth, 6s. 3d.; James, Erle of Home his teinds of Coldinghame, Coldinghamelaw and Eymouth, £37 10s.; Sir Johne Home of Blacader for his teinds of Fisheweik, Paxtoun and Blacader, £25; Archibald Douglas for his teinds of Easter Lumsdene, 50s.; James, Erle of Home, for his teinds of Quhytfeild, 12s. 6d., and for his teinds of Blackhill, 18s. 9d., and for his teinds of Hillend, 18s. 9d., and for his teinds of Swynewod, £3 2s. 6d., and for his teinds of West Restoun and Bastanrig, £8 2s. 6d. 3f.; Johne Rentoun of Billie and James Rentoun for their teinds of Achincraw and Lambertoun, £15; Mr. Richard Douglas for his teinds of Brokhoills and Berriehill, 28s. 1d. 2f.; for the teinds of Horsley, 37s. 6d.; James, Erle of Home, for his teinds of East Restoun and Plandergest £5, and for his teinds of Hundwod, £3 5s. 7d. 2f.; Johne Bowmaker for the teinds of Quhytrig, 40s. 6d.; Robert Roull for the teinds of Peilwalls, 18s. 9d.; James, Erle of Home, for the teinds of Flemingtoun, £6 15s. 6d.; Alexander Cranstoun of Morestoun for the teinds of Eastnisbit and Broomedykes, £3; Sir Alexander Nisbit of that Ilke for the teinds of West Nisbit, £5; James, Erle of Home, for the teinds of Edrem, 56s. 3d.; Sir David Home, of Wedderburne for his teinds of Kimmergem and Kello, £8 11s. 9d.; Ker, Countesse of Hadintoun, for the teinds of Kimmergem Maynes, Dunstells and Belshell, £4 1s. 9d.; Jonet Home of Quhytlaw for the teinds of Swintoun, £25; Mr. Alexander Seatoun of Kilcreuche and Sir Johne Stirline of Carden for the teinds of Mellerstanes and Fawnes, £14 10s., and for the teinds of Ednem, £18 15s.; Dame Beatrix Ruthven for the teinds of Ersiltoun and Coldingknowes, £ 91s. 1d. 2f.; Mr. Robert and Mr. Johne Homes for the teinds of Carrelside, Purveshaughe and Hayis, 33s. 9d.; Andro Home for his teinds of Ridpeth, 59s. 3d.; the Lardis of Wedderburne for his pensioun, £20; Sir George [Home] of Manderstoun for his pensioun, £11 5s." They are to pay within twenty days after being charged. [On the back] "*Apud* Halyrudhous *quarto Julij* 1631. *Fiat ut petitur.*"

129. Supplication by Sir Walter Ker of Fadounside, as follows:—He earnestly desires to clear himself of debt and is resolved for this purpose to sell part of his lands. For this he must have the advice of lawyers resident in Edinburgh, but cannot go thither without their Lordships' protection, which he craves. [On the back] "*Apud* Halyrudhous," 5 July, 1631. *Fiat ut petitur to.*"

5th July 1631. Supplication for Protection by Sir Walter Ker of Faudonside.

5th July 1631. Supplication for protection by Sir John Scot of Newburgh.

130. Supplication by Sir John Scot of Newburgh, as follows:— Andrew Scot, chirurgeon, has raised an action against him before the Lords of Session in which his whole estate and living are involved, and as he cannot attend to defend without their Lordships' protection, he craves the same. [On the back] "*Apud* Halyrudhous, 5 July 1631. *Fiat ut petitur to* ." Miscellaneous Papers.

5th July 1631. Supplication by William Durham and others that Sir George Gordon of Gight may be placed under caution.

131. Supplication by William Durhame, fiar of Grange, Henry Ramsay of Ardownie, and Mr. William Murray in Ardownie, as follows:—"The turbulent dispositioun of Sir George Gordoun of Geicht is not unknowne" to their Lordships, and, though he is under caution for keeping the peace, "yitt he daylie troubles and molests us and others gentlemen dwelling about him, threatning us with all sort of violence by hacquebuts, pistolets and uthers forbiddin weapouns; lykeas George Gordoun of Lethentie, following the same trade, doeth in lyke maner boast and minasse us," so that they cannot go about their lawful affairs in the country. They crave that these persons may be placed under caution for their indemnity. [On the back] "*Apud* Halyrudhous, 5 July, 1631. *Fiat ut petitur*—viz. the Laird of Geicht under the pane of j^m^lib., and the said George Gordoun of Lethentie under the pane of j^m^ merkis. GEO. CANCELL^s^. I.P.D."

5th July 1631. Supplication by Michael Carlyle in Cokisfield anent his illegal warding by the bailie of the Viscount of Drumlanrig.

132. Supplication by Michael Carlill in Cokisfeild, as follows:—On June last, bailie to the Viscount of Drumlanrig, and Mr. George Douglas, his brother, by the said Viscount's direction, apprehended him and, taking him to the place of Drumlanrig, has kept him in ward there for twenty days, he being his Majesty's free liege and having committed no crime. He craves that they may be ordered to produce him before their Lordships and put him to liberty. [On the back] "*Apud* Halyrudhous, *quinto Julij*, 1631, *fiat ut petitur*. (See *ante* p. 296.)

5th July 1631. Supplication by Sir William Cunningham of Caprinton anent two persons who prevent his holding his court as bailie of Kyle.

133. Supplication by Sir William Cunninghame of Caprintoun, bailie of Kyle, as follows:—Their Lordships were pleased to burden him with the office of bailie of Kyle and he has studied to approve himself worthy of the trust reposed in him. But the administration of justice and maintenance of peace among the lieges have been greatly hindered by a dispute between Dowglas, who has obtained a gift of the clerkship of the said bailiary from the King, and George Angus, the former clerk, which has engendered "suche ane heart burning and heate betuix these parteis as they both disdaine to keepe the courts of the said baillerie," and therefore he has not been able to get a court held for a long time. He therefore craves their Lordships to take order with them, or give warrant to him to make choice of another clerk during his

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tenure of office. [On the back] "*Apud* Halyrudhous, 5 July, 1631. Ordanis the partye to be charged. GEO. CANCELL^{R}. I.P.D."

134. Supplication by James Prestoun, son of the deceased Mr. John Prestoun, sometime President of the Session, and George Cunninghame, indweller in the Cannogait, as follows:—They became conjoint cautioners with George Buchannan of that Ilk for the Earl of Glencarne for 4000 merks, and have been obliged to pay the same. The said George was bound for their relief seeing he has infeftment of lands belonging to the said Earl; but he avoids this, and has for a long time been at the horn at their instance, yet he ordinarily repairs to the Abbey, the place of their Lordships' residence, and abides within the dwelling house of John Murray there, boasting that they dare not use any caption against him within the Abbey, "as though the place of justice and precincts thairof wer ane shelter to rebellis and contemners of all justice." They therefore crave permission to enforce their letters of caption against Buchannan within the said dwelling house of John Murray or any other part of the palace of Halyrudhous. [On the back] "*Apud* Halyrudhous, *quinto Julij*, 1631. Ordains John Murray to be warnit to heir him discharged of all further lodgeing or intertenye of the rebell. GEO. CANCELL^{R}. I.P.D." 5th July 1631. Supplication by James Preston and George Cunningham anent George Buchanan of that Ilk, their co-cautioner for the Earl of Glencairn.

135. Supplication by Sir Thomas Hope of Craighall, King's Advocate, John Bannerman now of Little Carnie, Andrew Moncur of that Ilk, and his curators, for their interest as follows:—In contravention of the laws anent wearing hagbuts and pistols, convocation of the lieges in arms, and cutting of green wood and planting, on John Stewart of Arnetullie, Stewarts, his sons, and others their accomplices, with convocation of the lieges to the number of persons, armed with swords, bendit staves, guns, hagbuts and pistols, came about the twilight to the woods of Easter Trainche and Auchnaglen belonging to the said John Banerman, and destroyed a great many old and young trees, which they carried away and used at their pleasure. The woods were an ornament to that part of the country, but are now by this means like to be destroyed and defaced. Summons is craved against these persons. [On the back] "*Apud* Halyrudhous, *quinto die mensis Julij*, 1631. Fiat ut petitur." 5th July 1631. Supplication by John Bannerman of Little Cairnie for a summons against John Stewart of Arnetullie and others, whom he accuses of destroying his trees, and stealing the same.

136. Supplication by James, Earl of Murrey, lord of the lordship of St. Colme, as follows:—On 7th April last at a special court held at Aberdour the feuars of the lands and tacksmen and pensioners of the said lordship were taxed in the underwritten sums as their proportions for the taxation of July last for his relief, and for payment of the first term of which he is now charged; but they will not pay the same unless compelled. He therefore craves letters against them for payment as follows:— 5th July 1631. Supplication by James, Earl of Moray that the feuars, tacksmen, and pensioners of the lordship of St. Colme may be compelled to pay

their proportion of the taxation of the said lordship.

"James Spittell of Lewquhat for his lands of Lewquhatisbaith and Knoksuddoune, £3 1s. 4d. 3f.; the Lord Kinlos for his lands of Wester Rassythe, £6 7s. 6d.; James Melvill of Halhill for his lands of Prinlawes, £7 1s. 8d.; Mr. John Phin of Quhithill for his lands of Easter Quhithill and Greeneside, £11 6d. 3f.; Johne Boswell for his kirklands of Ochtertoull, 56s. 8d.; William Stewart of Mayns for his lands of Cuthilhill, Seyside, Wester Balclewe, stocke and teind, £7 10s. 10d. 2f.; Johne Swyne for his mylne and mylnelands of Aberdour Wester and teinds thereof, £6 18s. 11d.; Mr. Patrik Hamiltoun for his mylne of Cramond, 35s.; Mr. David Prymrois for his mylneland of Crawmond, 13s. 11d. 3f.; Provest, bailleis and counsell of Edinburgh for their lands of Coatfeild, £14 3s. 4d.; Johne Boswell of Pittedie for his lands of Pichkirie, £7 1s. 8d.; Sir George Foster of Corstorphine for his lands of Clermistoun, £4 5s.; Mr. George Dundas for his lands in Duddingstoun, 42s. 6d.; the laird of Fawside for his lands of Caldside, £4 5s.; Johne, Erle of Rothes, for his lands of Bauclero, £4 3s. 2d. and for the teinds of the kirk of Leslie, £26 11s. 3d.; Henrie Dowglas for the sisters land in Aberdour, 28s. 4d.; Mr. Thomas Wardlaw for his teinds of Logie, 28s. 4d.; Johne Steill of Monivaill for the teinds of the kirk of Dollour, £17; Mr. Andro Skeene of Halyairds for his teinds of Auchtertuill, £8 6s. 1d.; Patrick Kynimonth of that Ilke for his teinds of Orquhart, 28s. 4d.; William, Erle of Mortoun, for his teinds of the baronie of Aberdour, £10 11s. 6d. 3f.; James Stewart of Rassythe for his teinds of Rassythe, £10 12s. 6d.; Charles, Erle of Dumfermeline, for his teinds of Delgatie, 51s. 11d. 2f.; Johne Hendersoun of Fordell for his teinds of Fordell, £5 11s. 7d.; James Logane of Cowstoun for his teinds of Cowstoun, 36s. 8d.; William Inglis of Ottirstoun for his teinds of Cowcarnie, 21s. 4d.; the said James Spittell for his teinds of Leuquhat, 41s. 4d.; and William Murrey of Knokdovye for his teinds of Montquey, Over and Neather Balmulls, Templehall and Balmillmylne, 49s. 1d. 2f." They are to pay within 20 days after being charged, and such as are out of the country within 60 days. [On the back] "*Apud* Halyrudhous, *quinto die mensis Julij*, 1631. *Fiat ut petitur.*" Miscellaneous Papers.

6th July 1631. Supplication by John M'Cacharie, servitor to Walter M'Aulay in Portnellan, for a summons against James Gardiner, cordwainer in Dumbarton, whom he accuses of assault.

137. Supplication by John M^cCacharie, servitor to Walter M^cAwlay in Portnellane, as follows:—On 5th August last James Gardner, cordiner in Dumbartane, came to the supplicant's dwelling house, forcibly broke up the doors thereof, and "rypped the haill parts thairof for tanned ledder," but found none; and when the supplicant "modestlie craved" why he had used him thus, he drew a sword and wounded him therewith upon the elbow, to the great effusion of his blood. "Upon occasion quhairof my wife wes so affrighted that both she and I contracted ane great fever quhairof she died, leaving her death upoun the said James, and I have almost ever since bene dangerouslie sicke and am now become lamed of my arme, being ane cordonner of my calling and

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heirby disabled to worke, to my utter wracke and undoing." He accordingly craves summons against his assailant. [On the back] "*Apud* Halyrudhous, 6 July, 1631. *Fiat ut petitur.*"

138. Supplication by Patrick Stewart in Derlathers, Robert Barnet in Padalfe, and Andrew and David Lindsay in Clovay, as follows:—On June last they were attending their market at St. Serfe fair with some sheep, nolt and other goods, when George Gordoun of Newtoun, Adam Gordoun, sometime in Meilhoill, George and Alexander Dempster, and William and John Cruikshanke in Gardinsmylne, with others, armed with swords, lances and other weapons, set upon them and their servants and wounded them, to the great effusion of their blood, houghed a great number of their beasts and reft four of them. They crave summons against their assailants. [On the back] "*Apud* Halyrudhous, 6 July 1631. *Fiat ut petitur.*"

6th July 1631. Supplication by Patrick Stewart in Derlathers and others, for a summons against George Gordon of Newton and others, whom they accuse of assault.

139. Supplication by John M^cEwin V^c Imgader, John M^cEwin, his son, John Campbell, his brother, Marie Nein Patrik V^cImgader, sister to the said John M^cEwin, and Marie Fergusoun, his servant, all indwellers in the town and lands of Dunolich, and Sir John M^cDougall of Dunolich, their master, for his interest, as follows:—On Allan and Charles M^cClain, brothers of Hector M^cClane of Kingarloch, with a number of others, armed with swords, bows and other weapons, came by way of hamesucken, at the instigation of the said Hector, to the dwelling house of the said John M^cEwin, "violentlie brake up the doores thairof, forced thame to leave thair houses, tooke and apprehendit the said Maria Neyne and the said Marie Fergussoun, ane virgine, hurt and woundit thame with manie straikes, and preast to have deflored us, violentlie reft and intrometted with the greatest part of thair goods; and when some people gathered for our defence they come furth and shott with thair bowes at thame." They crave a summons against these persons. [On the back] "*Apud* Halyrudhous, 6 July, 1631. *Fiat ut petitur.*"

6th July 1631. Supplication by John M'Ewin V'Imgader and others for a summons against Allan M'Lean and others, whom they accuse of assault.

140. Supplication by John Elder in Kirktoun of Kinfawnes, as follows:—On June Patrick and Gilbert Cowper in Skoone and others their accomplices, with convocation of the lieges to the number of twenty eight persons, armed with swords, halberts, lances and other weapons, came "in ane tumultuous and unseemelie maner with towke of drum to the lands of Spoutwalls," and cut the supplicant's turf, cast down his yard dykes, broke and destroyed above one hundred ash, palm and elm trees, cast down a house built upon his ground and removed and cast away a number of his march stones. He accordingly craves that they be summoned before the Council. [On the back] "*Apud* Halyrudhous, 7 July, 1631. *Fiat ut petitur.*"

7th July 1631. Supplication by John Elder in Kirktoun of Kinfauns for a summons against Patrick Cowper and others for destruction of his property.

7th July 1631. Supplication by Andrew, Bishop of Galloway, and Sir Patrick M'Kie of Larg for a commission to enact a toll from persons crossing the bridge over the Water of Polnewer.

141. Supplication by Andrew, Bishop of Galloway, and Sir Patrick M'Kie of Larg, as follows:—The said Sir Patrick first built a bridge of stone over the Water of Polnewer, which after some years was so undermined and shaken by the violence of the water and by the frequent passing of nolt and horses going to and from Ireland that it fell down. Thereafter a new bridge of timber was erected, but from the same causes it is likely to stand but a short time unless some course be taken for repairing and upholding it. As it is the only passage between Scotland and Ireland, if the bridge be cut off great inconvenience will accrue to the lieges, and they therefore crave a commission for the uplifting of a toll upon every horse and cow crossing the water there for the maintenance and repair of the bridge and calsey, with this condition that no gentleman or others riding along the bridge shall be liable to the payment of the duty. [On the back] "*Apud* Halyrudhous, *septimo Julij*, 1631."

7th July 1631. Supplication by James Mitchelhill, burgess of Selkirk.

142. Supplication by James Mitchelhill, burgess of Selkirk, as narrated *ante* pp. 278, 279, and craving letters charging his creditors to appear before the Council. [On the back] "*Apud* Halyrudhous, *septimo Julij*, 1631, *Fiat ut petitur.* GEO: CANCELL^{S}. I.P.D."

7th July 1631. Supplication by Sir William Cunningham of Caprinton, bailie of Kyle, for an increase of messengers in the shire of Ayr.

143. Supplication by Sir William Cuninghame of Caprintoun, bailie of Kyle, as follows:—In the Parliament of 1612 there was an act made limiting the number of messengers to be appointed within each shireffdom, and this number, so far as the shire of Air is concerned, is complete. But this shire is "verie spatious, comprehending within the same the baillereis of Kyle, Carrick and Cuninghame," and the number of messengers is not sufficient for the service of the lieges, who are obliged to send sometimes twenty and sometimes thirty miles for a messenger, and the supplicant himself is often "drivin to great straits in the executioun of your Lordships directiouns partlie anent the taxatioun and otherwayes as materis fallis out concerning my office." He has represented this to the Lyon King of Arms and desired him to admit three or four more messengers for the said sheriffdom; and this the Lyon is willing to do, as he sees the necessity thereof, but refuses to proceed without authorisation from their Lordships. This accordingly the supplicant craves. [On the back] "*Apud* Halyrudhous, 7 July, 1631. *Fiat ut petitur.* GEO: CANCELL^{S}. I.P.D."

7th July 1631. Supplication by the widow of William Johnstone, tenant of Lord Herries, for a summons against certain persons whom

144. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Armestrang, widow of William Johnestoun, tenant of John, Lord Hereis, as follows:—On December last William accompanied by all armed with swords, staves and other weapons and with the forbidden hagbuts and pistols, came to Lord Hereis's lands of Catlings, possessed by the complainant, and after wounding her in

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several parts of her body, took away a cow, which they still retain; and they ride at their pleasure armed with hagbuts and pistols throughout the country. She craves summons against them, and the petition is subscribed by Sir Thomas Hope. [On the back] "*Apud* Halyrudhous, 7 July, 1631. *Fiat ut petitur.*" she accuses of assault and of stealing a cow.

145. Supplication by the heritors of lands about the burgh of Lauder, as follows:—Their lordships ordained the bailies of the said burgh "to devyd the valuatioun of teynd of aikeris and commoun land, the burrow landis, the kirk landis and otheris lyand about the burgh among the heritouris of the samen, according to everie man his portioun and proportioun in quantitie and qualitie" before 25th July last and report the same on the first sitting of this instant July, wherein if they failed their Lordships declared that they would authorise the Earl of Lauderdaill to lead the teind crop of 1631 and in time coming. The bailies have obeyed and herewith produce their report, yet the supplicants understand that the said Earl intends to act as if this had not been done. They therefore crave that their Lordships would restrain him. [On the back] "*Apud* Halyrudhous, 8 July, 1631. The Lords remittes the sighting of the productioun within writtin to my Lady Countes of Lauderdaill. GEO. CANCELL^{R}. I.P.D." 8th July 1631. Supplication by the heritors of lands about the burgh of Lauder anent an intended proceeding of the Earl of Lauderdale.

146. Supplication by Uthrid M^{c}Dougall of Mondurke, as follows:—On 7th July instant their Lordships ordained the provost and bailies of Edinburgh to put him to liberty in so far as he was warded at the instance of William Trotter in Blaikeburnerig and John Ker, chirurgeon, on finding caution to pay them certain sums, but the provost and bailies refuse to do so unless they are charged. He therefore craves that they may be charged. [On the back] "*Apud* Halyrudhous, *octavo Julij*, 1631. *Fiat ut petitur.*" 8th July 1631. Supplication by Uchtred M'Dougall for a summons against the magistrates of Edinburgh.

147. Supplication by John Elder of Spoutwalls as narrated *ante* pp. 286, 287, with this difference that the date of the assault is given as 6th July, and George Rattray is here called George Reynoch and John Sand, David Sand; and craving summons against the persons there named. [On the back] "*Apud* Halyrudhous, 8 July, 1631. *Fiat ut petitur.*" 8th July 1631. Supplication by John Elder of Spoutwalls.

148. Supplication by Sir James Gordoun, younger of Lesmore, and Simsoun, son of William Simsoun, messenger, as follows:—Sir Alexander Gordoun of Clunie "craftilie" stole the said Sir James to the horn, which obliged him at great expense to come to Edinburgh to obtain a suspensioun and relaxation thereof. Having obtained these, he sent them by the hand of the said Simsoun to Aberdein to Alexander Watsoun, messenger there, so that he might be relaxed at the cross of 9th July 1631. Supplication by Sir James Gordon, younger of Lesmore, for a summons against Sir Alexander Gordon of Clunie and others.

Aberdein where he had been denounced. But on Sir Alexander Gordon learning this, he and Dame Elizabeth Gordon, Lady Wardes, sent John Leith of Harthill on 16th June last to the dwelling house of the said Alexander Watsoun, where finding the said boy (Simsoun) with the letters at the door, he violently made him prisoner and carried him to the Laird of Clunyes dwelling house in Aberdein and kept him there until the day of the suspension was past and until they had made protestation against the supplicant for not producing the letters and sent the same on 4th July instant to his advocate, Mr. Robert Burnet. They still detain the boy, and when the messenger pressed to get the letters back they threatened to kill him with their swords. They accordingly crave summons against the persons named. [On the back] "*Apud* Halyrudhous, 9 July, 1631. *Fiat ut petitur.*" Miscellaneous Papers.

11th July 1631. Supplication by William Alexander, merchant of Dundee, for a summons against the magistrates of Dundee.

149. Supplication by William Alexander, merchant burgess of Dundie, as follows:—The King was graciously pleased in respect of his great losses at the hands of the Dunkirkers, who robbed him of his ship and goods and so prevented him paying his debts, to grant him a protection for one year after the appending of the great seal thereto, which was the 2nd July instant, he paying the interest of his said debts meanwhile. But notwithstanding hereof the provost and bailies of Dundie have apprehended and warded him for some debts and cautionries and refuse to acknowledge the protection. He craves summons against them. [On the back] "*Apud* Halyrudhous, *undecimo Julij*, 1631. *Fiat ut petitur.*"

12th July 1631. Supplication by John Greirson of Nether Ker and William Harper, his tenant, for a summons against Mr. John Greir of Kapenoche and others, who have illegally apprehended the said William Harper.

150. Supplication by John Greirsoun of Neather Ker and William Harper, his tenant, as follows:—On June last Mr. John Greir of Kapenoche, John Lindsay of Laggane, Edward Stit in Kapenoche, William Hutsoun, John Mortoun and Andrew Wilsoun there, came by way of hamesucken to the said William Harper's house, under cloud and silence of night, seized him and, binding his hands behind his back as if he had been a thief, carried him in this disgracefull manner to the provost and bailies of Dumfries and desired them to commit him to their jail. This they refused to do as his apprehenders could produce no commission for his arrest nor verify any offence done by the supplicant. Thereupon his said master desired them to release his servant, who was his Majesty's free liege, but they proudly avowed the taking of him "and said if ever I preast to eshew fra thame they sould bind me hand and foote lyke ane sheepe." They then carried him away and have kept him a prisoner for . The supplicants crave that these persons complained upon be summoned before the Council. [On the back] "*Apud* Halyrudhous, 12 July, 1631. *Fiat ut petitur.*"

12th July 1631. Supplication by John Ross,

151. Supplication by John Ros, minister at Blair, as follows:—Some 28 or 29 years since an act was made by the minister, elders and

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session of the kirk of Blair that £10 Scots should be paid to the session for every burial thereafter within the kirk, and that this money should be employed by direction of the minister and elders, and this act has been continually observed since. In April last Janet Mitchell, spouse of Alexander Andersoun, portioner of Banchrie, died, and her husband dealt with the supplicant and several of the elders in the parish to have his wife buried within the kirk, and this was granted on his promise to pay the £10 after the burial. The money was appointed by the session to be used in mending some holes in the roof of the kirk, and the supplicant was to uplift it and see it so employed. Four or five times he sent some of the elders to crave the money, but payment was refused, Anderson declaring "that in despite of the minister and elders and haill sessioun he sould not pay that soume." The supplicant thereupon purchased a precept from the sheriff of Perth charging him to pay, but desirous of obtaining the money otherwise than by legal means he went personally with two elders to him upon 4th July instant and desired him "in pleasant terms" to pay the sum or else he would use the laws of the country against him. For this cause only "he verie disgracefullie upbraidit me, calling me vaine, raving gowke, windie fellow and contemptible, stoupped at me with his feete, and spatt at me, gave me and all the judges in Scotland ane defyance in that bussines, so as I wes forced to depart, and caused the beddell of the kirk to give him anie copie of the shireffs precept; quhilk he having received he rent the same in peeces, tramped it in a myre, and preast to have followed after me to have killed me, if he had not beene stayed." This vilifying of the ministers by their own parishioners is apt to be imitated by others of the like disposition unless a remedy be provided, and the supplicant therefore craves a summons against his assailant. [On the back] "*Apud* Halyrudhous, 12 July, 1631. *Fiat ut petitur.*"

minister at Blair, for a summons against Alexander Anderson, portioner of Banchrie.

152. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Sir Harie Wod of Bonytoun, as partie grieved, as follows:—In contravention of the laws forbidding the wearing of firearms and convocation of the lieges in arms Francis Ogilvie of Newgrange, elder, James Ogilvie, fiar thereof, his son, and their followers, having resolved out of their hatred and malice against him to take the life of the said Sir Harry Wod, the said Francis Ogilvie, accompanied by David Ogilvie, his servant, Arthur Ogilvie, his bastard son, John Ogilvie in Follow, Pyet, his servant, and a number of others, all armed with swords, staves and other weapons and the prohibited hagbuts and pistols, came on , being Sunday, to the kirk of St. Vigeans (which is the supplicant's parish kirk), and "in contempt of the Lords Sabboth and disgrace of his Majesteis governement ranked thameselffes in tyme of divine service at the kirk doore in militarie forme and awaited a long tyme till they sould have rancountered me and tane my life." Further, the said James Ogilvie

12th July 1631. Supplication by Sir Harry Wood of Bonnyton for a summons against Francis Ogilvie of Newgrange and others whom he accuses of carrying prohibited weapons and of injuring his property.

accompanied by William Feachie, servitor to Lord Ogilvie, James Ogilvie, pedagogue to the Master of Ogilvie, Black William Ogilvie of Kennie, David Balfour of Gund and others of the lieges came on to the supplicants lands of Lethame, rode through his growing corn and trod down the same, and "contemptuouslie sent to bid the proud shireff come out if he durst; they knew his traine; and they wer there als manie as he used to ryde with." They also daily ride about armed with hagbuts and pistols ready to molest such of the lieges as they have any quarrel with. The supplicants therefore crave summons against these persons. (Signed) S. Thomas Hope. [On the back] "*Apud* Halyrudhous, 12 July, 1631. *Fiat ut petitur.*"

12th July 1631. Supplication by Dame Annabel Erskine for letters of treason against her husband, Sir John Buchanan of that Ilk, who refuses to pay to the supplicant the aliment decreed to her by the Council.

153. Supplication by Dame Annable Erskine, spouse to Sir John Buchannan of that Ilk, as follows:—On 27th October last the said Sir John was put to the horn at her instance for not paying to her the sum of 2000 merks modified by the Lords of Council and Session to her as her yearly allowance during the time that he has been forth of the kingdom and also yearly during his further absence; but he most proudly remains at the horn, and in contempt of the law has withdrawn to an isle within the loch of where he keeps himself close and obscure. He has there built a house and furnished it with victuals and other necessaries, and keeps his boat chained to his gate so that none can get in or out without his permission. He has further disobeyed their Lordships' charges to compear before them and she now craves letters of treason against him and the keepers of his houses for the rendering of them and the warding of his person in the castle of Blaknes. [On the back] "*Apud* Halyrudhous, *duodecimo Julij*, 1631. *Fiat ut petitur.*"

12th July 1631. Supplication by Alexander Abercromby of Birkenbog and Hector Abercromby for the protection of the law against Sir John Leslie of Wardes and others.

154. Supplication by Alexander Abircrombie of Birkenbog and Hector Abircrombie of Fetterneir, as follows:—The following persons, having conceived a deadly hatred and malice against them and determined "to dwang and oppresse us and our tennents," not only trouble and molest them while peaceably winning their peats and fuel in their mosses and muirs but also threaten them with all manner of personal violence. They therefore crave that officers of arms may be directed to come and take their oaths that they dread bodily harm at the hands of these persons and against whom they beg charges to be sent requiring them to appear and find caution for their indemnity, viz:—against "Sir John Leslie of Wardes and Sir Alexander Gordon of Cluny, knights baronets, Sir James Gordoun, younger of Lesmore, James Gordoun, appeirand therof, Sir Alexander Gordoun, younger of Cluny, Johne Leslie, younger of Wardes, Francis Leslie, his brother, George Gordoun of Newtoun, Patrik Gordoun of Kincragie, elder, Patrik Gordoun, younger thairof, George Gordoun of Rany, William and Normand Lesleis, brether to the laird of Wardes, George Spence of Tulloche, Patrik Gordoun in Glanderstoun,

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Williame Johnestoun, his sone-in-law, Oliver Gordoun of Hillocks, Gordoun, sonne to the said Patrik Gordoun of Glanderstoun, Patrik Gordoun in Arnboge, George Cruikschanke, portioner of Flinders, Johne Davidsoun in Dundure, George Andersoun, Johne and James Robertsouns, Robert Monga and James Cruikshanke there, Alexander Wobster in Knokinhard, James and Robert Gleneis there, Johne Cruikshanke there, William Leslie at the mylne of Insche, Richard Gordoun at the mylne of Syde, George Leslie at the mylne of Glenderstoun, Thomas and Alexander Edwards in Tillifoure, James and Johne Gellen and Johne Scot there, William Robertsoun, George Proctour, and Johne Oge in Insche, Normand Leslie in Laichmure, Henrie Lang in Slak, Johne Gordoun in Wranghame, George Gordoun, his brother, Adame Gordoun in Wranghame, Elizabeth Straquhen, Ladie Blakhall, George Robertsoun, Alexander Fergus and Williame Angus in Blakhall, James Gordoun and George Dempster in Newtoun, Johne Cushnie in Cowcraigs, Alexander Anderson in Wranghame, Johne Cruikschanke in Gardinsmylne, Johne Leslie in Flinder, William Leslie in Sheillagreene, Alexander Dempster in Powquhyte, Androw Andersoun in Glennistoun, James Fyffe in Ledingame, Johne Fyffe, Arthure Wilsoun, Normand Hall there, George Andersoun in Doghillock, George Fergus there, Johne Walker in Culsamound, Michael Wight there, Johne Leith of Harthill, George Leith of Overhall, George Leith of Threefeild, John Leith of Newlands, William Diak, Johne Cruikschanke, George Leslie, James Ga, Androw Cruikschanke, Johne Wight, George Tarrell and George Gordoun in Poquhyte." [On the back] "*Apud* Halyrudhous, *duodecimo die mensis Julij*, 1631. *Fiat ut petitur* under the panes following, viz. the saids lairds of Wardes, Cluny and Lesmore, the saids Johne Leith of Harthill, George Leith of Overhall, George Leith of Threefeild, George Gordoun of Newtoun, Patrik Gordoun of Kincragie, Sir Alexander Gordoun, younger of Cluny, John Leslie, younger of Wardes, James Gordoun, eldest sone to the said laird of Lesmore, Elizabeth Straquhan, Ladie Blakhall, everie ane of thame under the pane of ane thowsand punds, and everie ane of the remanent persouns under the pane of fyve hundreth merks."

155. Supplication by Michael Scot in Leslie, as follows:—On 9th July instant, as he was on his way from Dumfermeline to the Quenisferrie, he was assailed from behind by John Aitkin, elder and younger in Roscobie, who had lain in wait for him a great part of the day, and who with a "great sting" gave him a number of "cruell wounds on the head quhairwith they felde me to the ground to the great effusioun of my blood and perrell of my lyfe, and gave me manie bauche and blae straikes in the face and others parts of my bodie, and had not failed to have slaine me if some persouns had not come for my releefe." He craves summons against his assailants. [On the back] "*Apud* Halyrudhous, 13 July, 1631. *Fiat ut petitur.*"

13th July 1631. Supplication by Michael Scot in Leslie for a summons against John Aitken and his son whom he accuses of assault.

13th July 1631. Supplication by John Richardson, messenger, for a summons against William Brown in Broomslands and his son, John Brown, whom he accuses of assault.

156. Supplication by John Richartsoun, messenger, as follows:—He was employed by Robert Douglas of Blaikester and his spouse to execute a summons of removing against William Broun in Broomelands and John Broun, his son, which he having done they came to him on while he was employed in his office, and "without anie other ground or occasioun of offence first disgracefullie upbraidit me, calling me knave and lowne, and than furiouslie ranne upon me, rent my cloathes and gave me manie straikes with thair neiffes upon the head and face, sent for ane sword, drew the same of purpose to have killed me thairwith if some nighbours had not come for my releefe." He craves summons against them. [On the back] "*Apud* Halyrudhous, 13 July, 1631. *Fiat ut petitur.*" Miscellaneous Papers.

13th July 1631. Supplication by Hector Abercromby and his brother for a summons against John Cruikshank and others, whom he accuses of forgery.

157. Supplication by Hector Abircrombie of Fetterneir and Adam Abircrombie of Auldrayne, his brother, as follows:—John Cruikschanke in Gardinsmylne has caused a bond to be forged, purporting to be granted by the supplicants to him for 900 merks, and to have been written by Lancelot Leslie, notary, and attested by him, Normand Leslie, brother to the Laird of Wardes, John Tod, alleged to have been servant at the time to the said Hector, George Leslie in Ardowne and James Watsoun. They crave that these persons may be summoned to appear before the Council and produce the said bond and be punished as forgers of writs. [On the back] "*Apud* Halyrudhous, 13 July, 1631. *Fiat ut petitur.*"

14th July 1631. Supplication by Dame Katharine Cunninghame, Lady Glengarnock.

158. Supplication by Sir Thomas Hope of Craighall, as King's Advocate, and Dame Katharine Cuninghame, Lady Glengarnock, as narrated *ante* pp. 305, 306, concerning the lands and place of Ballindallach or Bandallach. They crave summons against George Buchannan, younger of that Ilk. It is signed by Sir Thomas Hope. [On the back] "*Apud* Halyrudhous, *decimo quarto die mensis Julij*, 1631. *Fiat ut petitur.*"

14th July 1631. Supplication by Herbert Hannay, tenant to John Moffat in Craigenputtock.

159. Supplication by Harbert Hannay, tenant to John Moffat in Craigenputtock, in the cause narrated *ante* pp. 311, 312. He craves relaxation from the horn and an order to the provost and bailies of Edinburgh to liberate him from their tolbooth. [On the back] "*Apud* Halyrudhous, 14 *die mensis Julij*, 1631. *Fiat summonitio ut petitur* to the 28 day of July, and to suspend and relax, and to charge the bailleis *ut infra* to the last day of the same moneth; becaus the Lords hes seene the discharge within writtin, and siclyke the compleaner hes found cautioun to the effect within mentioned. GEO: CANCELL^{R}. I.P.D."

14th July 1631. Supplication by James Crichton of

160. Supplication by [James Crichtoun of Fendraucht] as follows:—On 21st May last there were put to the horn at his instance the following persons:—Gregour M^{c}Gregour of that Ilk . . [torn] . .

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Frendraught that the masters of Gregor Macgregor of that Ilk and others may be compelled to exhibit them for trial.

Callum Bayne M^cGregour in Stradoun, Alester Gregour M^cNeill, James Logane servitor to . . . . . Murrey of Cowbardie, Gordoun, son of the deceased James Gordoun of Achindreyne, . . . deceased James, James Baine M^cInneis in Glenawin, Ferquhar and John Dergs in Glenlivet, . . . Baidzenoch, Angus M^cAlaster M^cEane there, Lachlan M^cAlaster M^cEane, his brother, there; James Gordoun, son to Alaster Gordoun, officer in Badzenoch to the Lord Gordoun; Alexander Cruikshanke *alias* Reidhead at Martinekirk in Strabogie within a mile to the gate of Strabogie; Gregour M^cEan Dowe, forester to the Marquis of Huntlie of the white wood and deer; Donald M^cGregour in Bellibeg; William M^cJohne M^cInneis M^cWilliam Moir in Achinkyle, James Baine M^cInneis and James Derge there, John M^cEane Dwy in Badzenoch, Callum M^cGregour, father's brother's son to Callum Oig; Adam Gordoun in Karnewhelpe, son of the deceased Sir Adam Gordoun of Parke; all dwelling under the Marquis of Huntlie and Lord Gordoun: James Moir M^cNeill in Duthell, John Baine there, Patrick M^cNab at the Mill of Ballachastell, John M^cNab, his son, there, Callum M^cAlaster in Strathspey, John M^cNab there, Angus and John, sons of Doull Sheirs in Urquhart; James M^cNeill Grant in Duthill and John Dow M^cEan Vayne there; dwelling under the Laird of Grant: Angus Bayne in Rothimurchus, and Alester Shaw, son of Ferquhar Shaw there; dwelling under the Laird of Rothimurchus: Patrick M^cGregour in Dalnabo, Callum Baine M^cGregour in Bellibeg, servants to the Laird of M^cGregour; Gregour M^cEan Dowie, his household man, John Dow M^cGregour in Cambdell, his tenant; Callum Oig, his household man; Duncan M^cLowrie, his servant; Gregour M^cEane Dowie, also his servant, and Patrick M^cGregour, all under the said Laird of M^cGregour; Patrick M^cGregour in Rait, servant to John Gordoun of Buckie and John Gordoun in Karnehill, under the Lady Rothemay. They failed to compear and find caution to underlie the laws for certain thefts, heirships, depredations and slaughters committed by them; and the supplicant craves that their said masters under whom they live, may be charged to exhibit them for trial. [On the back] "*Apud* Halyrudhous, 14 *die mensis Julij*, 1631. *Fiat ut petitur.* GEO: CANCELL^a. I.P.D."

14th July 1631. Supplication by Mr. William Adamson, sheriff-principal of Edinburgh, anent the apprehension of John Tennent of Cairns.

161. Supplication by Mr. William Adamsoun of Craigcrooke, sheriff-principal of Edinburgh, and his deputes, as follows:—They have been charged by Sir Ludovick Howstoun of that Ilk to apprehend John Tennent of Carnes, who is in arrears of payment of his rent for the lands of Carnes, and he intends to put them to the horn if they fail herein. But the said John Tennent has their Lordships' protection for dealing with Sir Ludovick until 31st August next and so "is in the qualitie of ane lawfull subject agains whome I nor no other judge have power or commissioun in that respect." Still for obedience the supplicants are content to find caution if required, and crave suspension. [On the back] "*Apud*

Halyrudhous 14 *die mensis Julij*, 1631. *Fiat summonitio ut petitur* to the 28 day of July instant and to suspend *ut infra* to the last day of the same moneth; becaus the compleaner hes found cautioun to the effect within writtin." Miscellaneous Papers.

15th July 1631. Supplication by Isobel Douglas, widow of Archibald Weddell of Turindykes.

162. Supplication by Isobel Dowglas, widow of Archibald Weddell of Turindykes, Mr. William Weddell, her son, and James Simsoun in Turindykes and his spouse, setting forth as narrated *ante* pp. 289, 290. They crave summons against the persons complained upon. [On the back] "*Apud* Halyrudhous, 15 July, 1631. *Fiat ut petitur.*"

16th July 1631. Supplication by James Angus of Foulfordleyes.

163. Supplication by James Angus of Foulfordleyes as narrated *ante* p. 292, but here John Arnot in Pethheid is called "Johne Arnot, bastard in Pethheid," and James Wallace and Robert Hunter are omitted. He craves a summons against the persons complained upon. [On the back] "*Apud* Halyrudhous, 16 July 1631. *Fiat ut petitur.*"

16th July 1631. Supplication by Alexander Middleton, merchant burgess of Aberdeen, for a summons against George Gordon of Newton, whom he accuses of assault and robbery.

164. Supplication by Alexander Middleton, merchant burgess of Aberdein, as follows:—On 1628 he was attending St. Serf's Fair in when George Gordoun of Newtoun came to him and, alleging that the supplicant refused to pay the customs of his wares, struck him "despitefullie in the side with his foote, hurt and woundit me on the head and face and uthers parts of my bodie to the effusioun of my blood, and violentlie reft and tooke frome me my haill merchant wairs" which he yet keeps. He craves summons against him. [On the back] "*Apud* Halyrudhous, 16 July, 1631. *Fiat ut petitur.*"

16th July 1631. Supplication by James Sandilands, notary in Newbattle, for a summons against William Otterburn in Newbattle, whom he accuses of assault.

165. Supplication by James Sandelands, notary in Newbottle, as follows:—On 15th July instant he was walking among his corn unarmed when William Otterburne in Newbottle came to him, armed with a great kent and long durk, and "with manie contumelious speaches imperiouslie commanded me to leave the kings hie way. And I thinking this ane strange change in the said Williame, with whome I wes under all termes of nighbourheid and freindship, I preast be all sort of loving speeches to have pacified him. Bot he verie inhumanelie sett upon me with the said kent gave me ane nomber of cruell wounds on the head and others parts of my bodie, quhairwith he felde me to the ground and than with his hands and feit so birsed and bruised my whole bodie that he brake twa ribs in my side, and the blood gushed furth of my mouth frome my stomacke in great abundance; and than he pulled furth his whinger and purposing to strike me throw the bodie gave me ane cruell wound on the left hand, and left me lying on the ground as ane deid man." He craves summons against him. [On the back] "*Apud* Halyrudhous, 16 July, 1631. *Fiat ut petitur.*"

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166. Supplication by James Wallace and others, with the addition of John Arnot in Pethheid, as narrated *ante* p. 291, and craving summons against James Angus of Foulfordleyes. [On the back] "*Apud* Halyrudhous, 18 July 1631. *Fiat ut petitur.*' 18th July 1631. Supplication by James Wallace.

167. Supplication by John Traill of Blebo, as follows :—In the question between him and his uncle, Alexander Traill, of whom he is seeking an account of his intromissions with his estate since 1612, and which came before their Lordships on 9th June last, nomination was made of the Clerk Register, his Majesty's Advocate, and the Lairds of Balfoure and Kilbrachmont for hearing their accounts and claims. The said Alexander promised then to hand in his accounts and did so in June last, and the supplicant is prepared to answer thereto, but the said Alexander refuses to appear to hear the same unless he is compelled. He therefore craves that he be summoned to this effect. [On the back] "*Apud* Halyrudhous, 18 July 1631. *Fiat ut petitur.*" 18th July 1631. Supplication by John Traill of Blebo for a summons against his uncle, Alexander Traill.

168. Supplication by William Alexander, merchant burgess of Dundee, as narrated *ante* p. 297. He craves summonses against his incarcerators. [On the back] "*Apud* Halyrudhous, 19 July 1631. *Fiat ut petitur.*" 19th July 1631. Supplication by William Alexander, burgess of Dundee.

169. Supplication by William, Lord Ramsay, as follows :—He is charged for payment of the second, third and fourth terms of the taxation granted in 1625, and the first term of that of July last, being 30s. of each pound land of old extent belonging to him. His vassals, subvassals, ladies of terce, conjunctfiars and lifrenters ought to relieve him but will not unless they are compelled. He craves letters to compel them to do so. [On the back] "*Apud* Halyrudhous, 19 July 1631. *Fiat ut petitur.*" 19th July 1631. Supplication by William, Lord Ramsay, for letters of summons against his vassals.

170. Supplication by Patrick Stewart, messenger, John Cheyne, lawful son of James Cheyne of Essilmonth, as follows :—The said messenger on 29th June last had poinded a brown horse, a black horse and a gray mare from Henry Maissie in Ochterallane upon his grounds of Ochterallane at the instance of the said John Cheyne, to whome Maissie was due 600 merks of principal and 200 merks of expenses, and having appraised the said goods he took them again to the said Henry to offer them to him for the appraised prices ; but he, on hearing of what had been done, came, accompanied by Thomas Massie, his brother, George and Patrick Massie, his sons, and Adam Ga in Ochterallane, all armed with swords, gauntlets, steel bonnets, corn-forks and other weapons, and violently reft the goods from him. When, in token of his being deforced, the said messenger brake his wand the said George in contempt of his Majesty's authority bade him put up his wand and go and hang himself and all messengers so far as he was concerned. The messenger then having gone to the fields where the said Henry's oxen and sheep were pasturing to 19th July 1631. Supplication by Patrick Stewart, messenger, for a summons against Henry Massie and others, whom he accuses of deforcing him in the discharge of his office.

have poinded them, he and the persons foresaid with Robert Arbuthnet, George Leslie, John Gordoun, and Robert Harper, all servants to Alexander Udnie of Achterallane, Gawin Hunter, Alexander Tailyeour, George Low and George Pyat and others, came to him and threatened to take his life if he offered to poind any goods there. They crave summons against these persons. [On the back] "*Apud* Halyrudhous, 19 July, 1631. *Fiat ut petitur.* GEO: CANCELL^{R}. I.P.D." Miscellaneous Papers.

19th July 1631. Supplication by Murdoch M'Claine of Lochbuy for suspension of his horning.

171. Supplication by Murdoch M^{c}Claine of Lochbowy, as follows:—He is informed that he has been put to the horn at the instance of Mr. Martin M^{c}Ilwrae, minister at the kirks of Killean and Killenichan, for not appearing before their Lordships to answer for withdrawing himself and his vassals from the Kirk, threatening the said Mr. Martin and taking away a horse from him; and wrongfully so, as he never was lawfully charged to appear or he would have done so and cleared himself. However, he has now found caution in £500 for doing so and for paying £40 as his escheat, if he be found liable therein, and craves suspension of his horning. [On the back] "*Apud* Halyrudhous, 19 July, 1631. *Fiat summonitio ut petitur* to the xvii day of November nixt, and to suspend and relaxe *ut infra* to the last day of the same moneth. Becaus the compleaner hes found caution to the effect within writtin."

19th July 1631. Supplication by Alexander Garioch, messenger, for a summons against George Garden and others, whom he accuses of deforcing him in the discharge of his office.

172. Supplication by Robert Mercer and Alexander Garioch, messengers, as follows:—On 14th July instant, the said Alexander Garioch lawfully poinded eleven nolt and ninety sheep belonging to George Gardine in Hopishill upon the ground of Hopishill at the instance of the said Robert Mercer for a debt of £510, and he was driving these goods to the burgh of Aberdein to apprise them there when Andrew Udnie in Haltoun of Balhelvie and others to the number of eighty persons, armed with swords, halberts and corn forks, set upon him and his witnesses; "and the said Androw, being upon horsebacke and having ane long speir in his hand, he over-raid me with the hors and brake the speir on my head and violentlie tooke frome me the poynded goods. Quhairupon I having brokin my wande upon the said Androw in tokin of my deforcement he opinlie profest that he misregarded the King, Counsell and his lawes, affirming that he had beene so oft before your lordships that he did not care quhat your lordships could do to him." He craves summons against these persons. [On the back] "*Apud* Halyrudhous, 19 July, 1631. *Fiat ut petitur.* GEO: CANCELL^{R}. I.P.D.

20th July 1631. Supplication by Hew Shand servitor to William, Lord Blantyre, for a summons against the

173. Supplication by Hew Schand, servitor to William, Lord Blantyre, as follows:—On 7th June last John Troup and John Mill, servants to the Laird of Monymusk, and Gilbert Patersoun in Kirktoun of Monymusk, came under cloud and silence of night to the town of Dellab, where the supplicant was, and sought to take his life. They wounded

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him in several places, took his sword and whinger, broke the whinger in pieces and took away the sword with them, leaving him lying for dead; and though there were more than twenty persons looking on they dared not interfere for fear of the said Sir William, who hounded out his assailants, and by whom they were well received after committing this fact. He craves summons against these persons. [On the back] "*Apud* Halyrudhous, 20 July, 1619. *Fiat ut petitur.*"

Laird of Monymusk, whom he accuses of inciting his servants to assault, as also against the said servants.

174. Supplication by Patrick Edzer, provost of Wigtoun, as follows:—On June last, John Edzer, merchant burgess of Edinburgh, his brother, sent a packet of letters to Thomas M^cKie, Clerk of Wigtoun, in which were inclosed certain letters under the Signet at the supplicant's instance against John Logane, notary in Monygoiff, and Archibald M^cMuldeoch there, for making certain arreisted sums forthcoming to the supplicant. But the said John intercepted the packet in the town of Monygoiff, broke it open and read the whole missives "and with his awne hand filled up the Kings letters at his pleasure, insert suche dayes thairin as he thought good," and so has made the same useless to the supplicant. He craves summons against him. [On the back] "*Apud* Halyrudhous, 21 July, 1631. *Fiat ut petitur.* GEO: CANCELL^s. I.P.D."

21st July 1631. Supplication by Patrick Edgar, provost of Wigtown, for a summons against John Logan, notary, who intercepted a packet of the complainer.

175. Supplication by Elizabeth Ramsay and William Bischeop in Currie, her spouse, as follows:—Their Lordships have frequently ordained James Quhytheid in Currie to flit and remove from a house and chamber and yard belonging thereto in Currie into which he has violently intruded himself by breaking up of the doors, but he still retains possession and so commits such an oppression on the supplicants "as ought not to be sufferit in ane civill cuntrey." They crave letters to an officer of arms for his ejection. [On the back] "*Apud* Halyrudhous, 21 July, 1631. *Fiat ut petitur.* GEO: CANCELL^s. I.P.D."

21st July 1631. Supplication by Elizabeth Ramsay and William Bishop, her spouse, in Currie, for letters of ejection against James Whitehead in Currie.

176. Supplication by Thomas Lawsoun, servitor to George Lawsoun, writer in Edinburgh, as follows:—On 16th July instant, after dispatching his business in the town of Peebles, he was going to his horse when William Hay and John and Thomas Pringill, burgesses of Peebles, came to him and in a friendly way desired him "to drinke with thame before they went out of the toun. Bot er ever I wes awar, for quhat caus I know not, they disgracefullie kuist ane great quantitie of aill on my face, reft frome me my moneyes, and gave me manie blae and bloodie straikes in diverse parts of my bodie. And I being red of thame be some nighbours of the toun and going down the way to Thomas Twedeis hous there, Alexander Williamsoun, burges of Peebles, Jonnet Patersoun, his spous, Agnes Williamsoun, mother to the said William Hay, Bessie Threipland, mother to the said Johne Pringill, come to me with stalffes and battouns, and hurt and woundit me thairwith in diverse parts of my bodie. And

21st July 1631. Supplication by Thomas Lawson, servitor to George Lawson, writer in Edinburgh, for a summons against William Hay and others, whom he accuses of assault.

I being come to the said Thomas Twedeis hous, the said William Hay, Johne and Thomas Pringills, boddin with speirs, pickes and swords, come to the said Thomas Twedeis close, lay at await for me there of purpose to have slaine me if I had not beene keeped by some persouns in the toun." He craves summons against these persons. [On the back] "*Apud* Halyrudhous, 21 July, 1631. *Fiat ut petitur.* HADINTON." Miscellaneous Papers.

21st July 1631. Supplication by John Little, servitor to the Earl of Nithsdale, anent his trial on the charge of burning the house of Mr. David Leitch, minister. See Index to Vol. III., (Second Series).

177. Supplication by John Littill, servitor to the Earl of Nithisdaill. Their Lordships know how that he has been detained in this burgh at the instance of Mr. David Leitche, minister, charged before his Majesty's Justice with the burning of his house. He has already kept six criminal diets, each being continued and he placed under large caution to abide in the town, where in a manner he is a stranger, his own residence being in Ireland, where his family remains. "I am forced to stay heere under the odious imputatioun of treasoun, my whole meanes almost spent and my good name brought in questioun in so haynous ane point whairof I am most innocent, and so often have craved to be cleere. And seeing now the twentie twa of this instant is appointed for my tryell I humbelie beseek your Lordships that it may be the last dyet." [On the back] "*Apud* Halyrudhous, 21 July, 1631. The Lords ordains the supplicant to attend the examinatouris the morne. GEO: CANCELL^{R}. I.P.D."

21st July 1631. Supplication by John Wright of Gladswood for the examination of George Haliburton anent his destroying the seat of the supplicant in the kirk of Mertoun.

178. Supplication by James Wricht of Gladiswod, as follows.—On 3d June last George Halyburtoun in Dryburgh and Alexander Erskyn, accompanied with certain evil-disposed persons came to the kirk of Mertoun under cloud and silence of night, "and thaire efter ane verie insolent and ungodlie maner, without all reverence or feire of God or respect to the hous appoyntit for the worschip of his holie name, brak doun in peices ane seatt belanging to me within the said kirk. And becaus that the said George Haliburtoun is conduceit to serve under Capitane Cochran in the warris and is for the present detenit within the tolbuith of the Cannogait quhill he be transportit to schip buird, quhaire he is to be transportit the morn at the fordest, thairefoire and for the better tryell of that ryot necessar it is that befoir his departour he be examinat in presence of your Lordships thairupone." He accordingly craves that the bailie of the Cannogait may be ordered to produce him that he may be urged to declare who hounded him out to the said riot and who were with him thereat. [On the back] "*Apud* Halyrudhouse, xxj July, 1631. *Fiat ut petitur* to Twisday nixt. GEO: CANCELL^{R}. I.P.D.

21st July 1631. Supplication by George Aitken, Admiral-depute, anent illegal procedure at the Dunbar fishing.

179. Supplication by George Aitkine of Underedge, Admiral depute and tacksman of the assise herring of Dunbar, as follows:—In defiance of the acts and proclamations concerning the herring fishery, many of the "coulpars, fishearis and takearis of hering" subtilly and craftily betake themselves to creeks and bays within the Forth and

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dispose privately of their catches, and he craves that proclamation may be made against this and other malpractices at certain market crosses. [On the back] "*Apud* Halyrudhouse, xxj July, 1631. The Lords ordains the provest and bailleis of Edinburgh to be wairnit to heir the desyre of the supplicatioun grantit. GEO: CANCELL^{R}. I.P.D." *See* pages 293, 294 *antea*.

180. Supplication by Sir James Dowglas of Morvingtoun as follows:— In July last Mr. George Roull, minister at Morvingtoun, obtained their Lordships' decree against him for payment of £40 as a fine for his demolishing a house belonging to the said minister, and he intends to denounce him for not paying the same, although the matter is under submission, they having referred it to Sir George Home of Manderstoun and John Gaits, minister at Bonkill, for the supplicant's part, and to Sir John Home of Blacader, and Mr. Allan Lundie, minister at Huttoun, for the minister's part, who have ordered him to grant a lease of the houses contraverted to the said Mr. George for his lifetime and the said Mr. George to discharge the decree obtained against him. This he is willing to do and also to find caution to pay the sum claimed if it be found that he ought so to do. He therefore craves suspension of the horning. [On the back]. "*Apud* Halyrudhous, 21 July, 1631. *Fiat summonitio ut petitur* to the xv day of November nixt, and to suspend and discharge *ut infra* to the last day of the same month; becaus the compleaner hes found cautioun to the effect within writtin; and with this provisioun that if he faille in proving the reasoun of his suspensioun that he salbe lyable in large expenss to pairtye at the arbitrement of the Counsaill. HADINTON." 21st July 1631. Supplication by Sir James Douglas of Mordington for suspension of horning.

181. Supplication by John Murdoch, burgess of Wigtoun, and the provost and bailies of Wigtoun for their interest, as follows:—Sir John Vaus of Longcastell, knight, Patrick Vaus, his son, and Patrick Vaus in Kilderrache, being at the horn at the instance of the said John Murdoch for not paying him a debt of 1000 merks and interest thereof for many years past, and being unable to obtain the benefit of the laws, he has charged the Sheriff of Wigtoun and the said bailies to apprehend them. But the said rebels go about the country armed with hagbuts and pistols and when they come within the bounds of the said burgh they have such an armed following that the said bailies have no power to deal with them and dare not do so. They crave that these rebels may be summoned before their Lordships. [On the back] "*Apud* Halyrudhous, 21 July 1631. *Fiat ut petitur*. GEO: CANCELL^{R}. I.P.D." 21st July 1631. Supplication by John Murdoch, burgess of Wigtown, and the magistrates of that burgh for a summons against Sir John Vaus of Longcastle and others.

182. Supplication by the provost, bailies and council of Aberdein, as follows:—About the feasts of Whitsunday and Martinmas yearly the noblemen, barons and gentlemen dwelling within the sheriffdom of Aber- 21st July 1631. Supplication by the magistrates of

Aberdeen anent noblemen bringing their armed servants into the burgh.

dein and thereabout, are accustomed to repair to the burgh of Aberdein for receiving and paying money and other business, but they come accompanied by such large numbers of their friends and dependents armed as ready for offence as defence, that often great trouble has arisen in the burgh when those at feud with others have met, and the burgh has been forced to take up arms for "redding" of them, during which some of the inhabitants have been hurt, mutilated and slain. They therefore crave letters authorising them to make public proclamation at the market cross of Aberdein and other places charging all the lieges and subjects within the shires of Aberdein, Kincardin and Banff, that none of them presume to come with arms and convocation of the lieges, but only peaceably, and that they keep the peace and good rule and quietness. [On the back] "*Apud* Halyrudhous, 21 *die mensis Julij*, 1631. *Fiat ut petitur.* GEO: CANCELL^{R}. I.P.D." Miscellaneous Papers.

21st July 1631. Supplication by John Leslie of Pitcaple and others against William Forbes and others for the illegal use of cruives on the river Don.

183. Supplication by John Leslie of Pitcaple, Hector Abircrombie of Fetterneir, Andro Meldrum, Patrick Leslie, Alexander Rutherfurde, Patrick Dwe, Alexander Stewart, Alexander Gardine, and James Collestoun, burgesses of Aberdein, Alexander Gordoun of Braymoir, John Forbes, servitor to the Bishop of Aberdein, and Robertsoun, widow of Alexander Middiltoun of Berrihillock, heritors of the King's and Bishop's "kavills" of Neather Done, for themselves and on behalf of the barons and heritors whose lands adjoin the said water, as follows:— There are several good acts of Parliament for the proper keeping of cruives in fresh waters, especially one of the second Parliament of King James the Fourth, cap. xv., in which it is ordained "that freshe waters be suffered to stand in forbiddin tyme; that the mid stane be alwayes free be the space of fyve foote; that the Saturdayes slop be observed and keeped; and that ilke seik of the saids crooves be fyve inche wyde." The execution of the said act is committed to the sheriffs, stewards and bailies of burghs under a penalty of £20 to be exacted of the officer who fails herein. Yet William Forbes, Mr. Henry Buchane, Alexander Henrie, Mr. Alexander Keith, Alexander Seatoun, the heirs of Alexander Gray, the heirs of Thomas Forbes and William Petrie, portioners of the cruives of Drone [*sic*], preferring their own private gain to the public good "have bigged and sett doun a nomber of croves in the said water farre abone the nomber used there of old; yea, so manie as pleaseth thame." They do not keep the Saturday's slop, "and hes ane small dyke doun be the same with other conceats for perfytting thair awne purpose and convoying the fishes small and great, als weill salmound as trouts to the inskets of thair neerest crooves adjacent to the said pretendit slop or leaving the mid streame free . . . and thair crooves ar contryved in suche a lawlesse sort and the seiks so neere joyned one to another that there is no possibilitie for anie fish to escape thame; and by this meanes they intercept the haill fishe promiscuouslie and makes suche a

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pitifull spoyle and destructioun thairof that not onelie ar we abone the saids crooves prejudged of that benefite and commoditie quhilk God be nature hes allowed to us bot lykewayes we beneath thame hes thir manie yeeres bypast suffered great prejudice be uter waisting of the said water and not letting so muche pas as may bring furth anie broode." They therefore crave that the sheriff and his deputes and the provost and bailies of Aberdeen shall be charged to enforce the law and if they fail that they may be found liable in the forementioned penalties. [On the back] "*Apud* Halyrudhous 21 *die mensis Julij*, 1631. *Fiat ut petitur.* GEO: CANCELL^{R}. I.P.D."

184. Supplication by William Craufurde, portioner of Meikle Govane, as follows:—On 20th July instant, in a Justice Court held in the tolbooth of Edinburgh by Mr. James Robertsoun, advocate, justice depute, John M^{c}Innair, son of James M^{c}Innair in Meikle Govane, and Patrick Gall M^{c}Farland, burgess of Glasgow, with the said James M^{c}Innair, were accused by the supplicant and by his Majesty's Advocate of the destroying under cloud and silence of night of 900 growing "halthorne tries growand in my hedge upone my landis of Meikle Govane sett and plantit be me thairintill, togidder with thrie scoir plaine and asche tries," within his orchard and grounds, and of wearing hagbuts and pistols. Upon trial John M^{c}Innair was convicted of art and part of this destruction and of having a hagbut in his hand two days after at a meeting between the said John M^{c}Innair and the supplicant upon the lands of Meikle Govane, and Patrick Gall M^{c}Farland was convicted of wearing pistols on various occasions. But the judge foresaid has continued pronouncing sentence until Friday, the 22nd instant, that he may advise with their Lordships thereupon. He therefore craves that their Lordships will order a punishment befitting the heinousness of the crime, and also ordain the persons convicted to be kept in sure prison within the tolbooth of Edinburgh until the supplicant be satisfied for his losses and until the said John M^{c}Nair exhibit before the Justice and his deputes the persons guilty of the foresaid wrong. [On the back] "*Apud* Halyrudhouse, xxj *Julij*, 1631. The Lordis ordanis his Majesteis Justice to pronounce doome and sentence aganis the personis withinnameit, ordaining the said John M^{c}Innair to make payment to the pairtye persewar of the soume of ane hundreth pundis and to find cautioun to pas his remissioun and to pay fiftie merkis for the compositioun thairof. And siclyke that the said John M^{c}Inneir and James M^{c}Inneir, his father, find cautioun not to trouble the said persewar in the planting of his hedge, either of thame under the pane of three hundreth merkis; and in the meanetyme that the said Johne remayne in waird during the Counsaillis pleasour. And siclyke to pronounce doome aganis the said Patrik Galt M^{c}Farlane ordaining him to find cautioun for passing his remissioun for the

21st July 1631. Supplication by William Crawford, portioner of Meikle Govan, for the due punishment of James M'Innair in Meikle Govan and others, who have destroyed 900 hawthorn trees belonging to the supplicant.

pistolettis and to pay in compositioun for the same ane hundreth pundis. Miscellaneous Papers.
GEO: CANCELL^{R}. I.P.D."

21st July 1631. Supplication by Patrick Gall M'Farlane anent the foregoing supplication by William Crawford.

185. Supplication by Patrick [Gall M^{c}Far]lane, burgess of Glasgow, and John M^{c}Innair, son of James M^{c}Innair, indweller in Meikle Govane, narrating their prosecution by William Crawfurd, [as in the foregoing petition] and that leaning to their own innocence they offered themselves for trial, but the assisers being for the most part friends of the prosecutor, they were convicted. They will say nothing against the form of their conviction, but the said Patrick represents that being in debt to Lord Lorne and his servants in great sums of money, and being on his way to the country of Argyle with the money upon him to repay the same, he carried the pistolet only for his personal safety. And the said John represents that he is but a mean man and unable to give redress to a powerful party for this alleged wrong, and that having been committed to prison by the judge and having remained therein for the past twenty-four hours, he has been sufficiently punished for any offence committed by him. He therefore craves his liberty and the imposition of such a satisfaction as he is able to give; and the said Patrick craves their Lordships' pardon for his offence, places himself in their will, and promises never to bear a pistolet hereafter except in his Majesty's service. [On the back] "*Apud* Halyrudhouse xxi *Julij*, 1631. The Lords ordanis Patrik Galt M^{c}Farlane to pas a remissioun for the pistolettis and to pay ane hundreth pundis for the compositioun of the same. And siclyke ordanis John M^{c}Inneir" [Here the judgment stops].

21st July 1631. Supplication by John Stewart of Coldingham for a more convenient arrangement of the teinds of his estate now held in trust by Robert Douglas of Blaikerston.

186. Supplication by John Stewart of Coldinghame, as follows:— About nine or ten years ago he found that his estate was heavily burdened with debt and being desirous of relieving the same so that his creditors might be paid and his friends who were cautioners for him untroubled, he divested himself of all save a small portion reserved for maintaining himself and his family, and placed it in the hands of the deceased William Douglas of Blaikarstoun as his trusty friend and well qualified by frugal and careful management to accomplish the end desired. Accordingly, during his lifetime the said William Douglas, and since his death, Robert Douglas, now of Blaikerstoun, his son-in-law, have possessed his whole estate, except a certain quantity of teinds reserved, as aforesaid, for his own maintenance. These, during the lifetime of the said William, he uplifted wherever it was most convenient for him so to do at his own option, but now he finds no such kindly usage at the hands of the said Robert, who, instigated by some evil-willer, instead of giving him his own option, as formerly, seeks to drive him to uplift his own maintenance from places most remote from his house of Coldinghame, sometimes sixteen and twenty miles away, so that he is forced either to abandon the same or spend the one half in winning of the other; sometimes to stack

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and sell it in the place for what it would fetch, and then he lost his fodder, so necessary for such as have beasts. This last year the teinds of Stitchell were appointed to him, sixteen miles distant, and for that reason he has reaped but small benefit from them. Now if he had the teinds near his own house of Coldinghame, it would be more profitable for him and it would be but equitable also, seeing it is all he obtains from his entire estate, and can be in no way prejudicial to the said Robert Douglas. He accordingly craves that instead of the teinds of Stitchell he may have those of Coldinghame and Haymouthe, which will only amount to twenty four chalders of victual, after deduction of the minister's stipend and the thirds of Rentoune's lands. It will also remove a cause of disput between the supplicant and the said Robert Douglas, who causelessly accuses him of encroaching upon his thirds and corns uplifted from the tenents of Coldingham. He craves also that parties, including Lord Home, may be summoned on the matter. [On the back] "*Apud* Halyrudhous, 21 July, 1631. *Fiat summonitio ut petitur* to the day of ."

187. Supplication by Thomas Small in Quhelpnabanke, tenant to Andrew Moncur of that Ilk, as follows:—On 14th July instant, "I being reposing myselfe upon my awne croft after supper in ane sober maner," was assailed by Robert Gib in Lochtoun and Patrick Quhyttit there and others, armed with swords, dirks, great forks and kents; "and first with ane kent[they]gave me ane deidlie straike on the shoulder, quhairwith they dang me to the ground, I being latelie recovered of ane fever, thereafter drew thair swords and durkes, gave me thairwith twa deidlie straikes on the heid, with others straikes in diverse parts of my bodie, and not content heirwith, when I wes lying on the ground they thrust ane great stone at my heid quhilk damneist me so as I lay deid ane long space," and they would have killed him had not some persons come to his succour. He craves summons against his assailants. [On the back] "*Apud* Halyrudhous, 22 July, 1631. *Fiat ut petitur.*" 22nd July 1631. Supplication by Thomas Small in Quhelpnabank for a summons against Robert Gib in Lochburn and others, whom he accuses of assault.

188. Supplication by Adam Wauchop of Caikmure, as follows:—He has been charged for payment of 18s. for each of the four terms of the taxation granted in October, 1612, and 30s. for each of the two terms of that granted in 1617, each of the four terms of that granted in August 1621 and October 1625 and for the first term of this present taxation, for every pound land possessed by him held of his Majesty; and he ought to have relief from his vassals, subvassals, and others, but they refuse unless compelled. He craves letters against them accordingly. [On the back] "*Apud* Halyrudhous, 23 July, 1631. *Fiat ut petitur.*" 23rd July 1631. Supplication by Adam Wauchope of Caikmuir anent his taxation.

189. Supplication by Thomas Lowrie, messenger in Stirlin, and Andrew Lowrie there, as follows:—On 13th October last the said messenger, at the instance of Malcolm Rae in Airth had poinded some goods belonging 23rd July 1631. Supplication by Thomas Lowrie,

messenger in Stirling, and Andrew Lowrie there for a summons against Andrew M'Onell and others, whom they accuse of assault.

to Margaret Findlay in Tar, when Andrew McOnell in Tar, Patrick Dow McOnell, his brother, John Dow McOnell there, John McGowne there, McGowne, his son, Finlay McGowne in Bakbeg, James Smith *alias* Gow in Bor, and others, armed with swords, durks and other weapons, set upon him and the said Thomas (*sic*) Lowrie, his witness, took the poinded goods from them, gave the messenger "bauche and blae straikes," and "the said Thomas twa great straikes with ane long durke on the heid," to the effusion of his blood and peril of his life, and "manie other bauche and blae straikes," through which he has lain a long time under the care of chirurgeons. They therefore crave summons against these persons. [On the back] "*Apud* Halyrudhous, 23 July, 1631. *Fiat ut petitur.*"

23rd Jul 1631. Supplication by James Wright of Gladswood for a summons against Ralph Ker and others whom he accuses of destroying his seat in the kirk of Merton.

190. Supplication by James Wright of Glaidswode, as follows:—Their Lordships know to what trouble and expense he has been put in erecting a desk in the kirk of Mertoun for the accommodation of himself and his family in the hearing of the Word, for doing which he had a warrant both from the Kirk Session and from the High Commission of the Kirk. Yet Rawfe Ker, Alexander Wilsoun, and John Clerk in Dryburgh, Clerk in Bemerside, Alexander Areskine, son to the said Rawfe, and George Halyburtoun, son to John Halyburtoun in Dryburgh, met in the said Rawfe Ker's house on and determined to break down his said desk and cut it in pieces; and Alexander Wilsoun gave to George Halyburtoun an axe for the purpose, assuring him that his doing so would be acceptable service to the whole parish. Accordingly the said Alexander Areskine and George Halyburtoun came to the said kirk, and while the former stood without to watch and "espy" who came by, the latter broke up the choir door, and going to the supplicant's seat pulled it down and with his axe hewed the same in pieces. He craves that the foresaid persons be summoned before the Council. [On the back] "*Apud* Halyrudhous, 23 July 1631. *Fiat ut petitur.*"

23rd July 1631. Supplication by John Muirhead of Holleinbus for suspension of letters of horning.

191. Supplication by John Mureheid of Holleinbus, as follows:—He is charged at the instance of John Maxwell of Gribtoun, Edward Maxwell, his brother, James Maxwell, brother of Lord Hereis, John Broun of Mollens, James Broun, servant to the said John Maxwell, and Alexander Maxwell, younger of Conhaith, to find caution in 1000 merks for their indemnity. They have not and cannot give their oaths that they dread bodily harm at his hands; and moreover he is but a simple yeoman of neither power nor means to trouble them, who are gentlemen of great friendship, and whose real design is to "shoot me frome the rowme quhilk I possesse and quhilk they verie greedilie ayme at." He craves suspension of the letters, or if they appear and give their oath, that the caution be modified according to his rank. [On the back] "*Apud* Halyrudhous, 23 *die mensis Julij*, 1631. *Fiat summonitio ut petitur* to the xv day of

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November nixt and to suspend and discharge *ut infra* to the last day of the same moneth, becaus the compleaner hes found cautioun to the effect withinwrittin."

192. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Dowglas of Cavers, sheriff of Teviotdale, as informer, as follows:—The liberty granted to the free burghs of keeping fairs and markets at certain times is a privilege flowing from his Majesty, and no burgh can therefore lawfully use the same without a warrand, yet the provost, bailies and council of Jedburgh, not content with the privilege granted to them in their charter of erection of keeping one fair only in the year upon Rude day, have instituted and proclaimed a new fair in their own name which they have kept for the past three years upon the Monday after Whitsunday, and they exact double custom from the lieges resorting thereto, and assume the whole government thereof, though they have no warrant and are not sheriffs within themselves. They ought therefore to be punished for their contempt and usurpation and the keeping of the said fair should be discharged. This the supplicants crave, and that the parties be cited. Signed by Sir Thomas Hope. [On the back] "*Apud* Edinburgh, 23 July, 1631. *Fiat ut petitur.*"

23rd July 1631. Supplication by Sir Thomas Hope, King's Advocate, and Douglas of Cavers that the magistrates of Jedburgh may be restrained from keeping a new fair which they have instituted.

193. Supplication by the provost, bailies and council of Glasgow, as follows:—They had cited Mr. Archibald Fleeming, procurator in Glasgow, before them "for certane calumneis and opprobrious speeches" against some of their number, and he, fearing the event of his trial, upon some frivolous and false allegations to their Lordships obtained the matter to be remitted to their Lordships, but kept up the letters against the supplicants unexecuted until the day appointed for hearing the case in Council was past, and then he obtained decree discharging the supplicants to proceed against him. They might "have miskenned this unlawfull discharge quhairby the said Mr. Archibald intends nothing bot to elude his deserved tryell," but they judged it right to bring the matter again before their Lordships whom they now crave to cause summon the said Mr. Archibald for the discussion of the reasons of his advocation. [On the back] "*Apud* Halyrudhous, 25 July, 1631. *Fiat ut petitur.*"

25th July 1631. Supplication by the magistrates of Glasgow for a summons against Mr. Archibald Fleming in Glasgow whom they accuse of misleading the Council anent a charge which the supplicants had brought against him.

194. Supplication by James, Lord Ogilvie, tacksman of the teinds of the kirks of Muline and Strathardaill and Keremure and Newtylde, as follows:—He is charged for the payment of the sum of £43 15s. for each term of the taxations granted in March 1617, August 1621, October 1625, and July 1630, for the teinds of the said kirks of Muline and Strathardaill, and £100 for the taxation of July last for the teinds of the kirks of Keremure aud Newtyle; and he can get no relief because no taxt roll thereof has been made. He craves therefore that the subtacksmen of the teinds of these kirks may be charged to meet with him

25th July 1631. Supplication by James, Lord Ogilvie, tacksman of the kirks of Muline and others anent his taxation.

and his factors for this purpose, those of the two former kirks at the town of Alyth on , and those of the two latter kirks at the kirk of Kingoldrum. [On the back] "*Apud* Halyrudhous, 25 *die mensis Julij*, 1631. *Fiat ut petitur.*"

26th July 1631. Supplication by John M'Conill in Woodend and Hew Douglas, servitor to the Earl of Angus, anent their illegal imprisonment by the magistrates of Dumfries.

195. Supplication by John McConill in Woodend and Hew Dowglas, servitor to the Earl of Angus, as follows:—On 22d July instant, which was fair day in the town of Sanquhar, they were there doing their lawful business and doing neither offence nor injury to any one, when the provost and bailies thereof caused apprehend and them in their tolbooth where they yet remain. They crave an order to the said to produce them before the Council so that they may regain their liberty. [On the back] "*Apud* Halyrudhous, 26 July, 1631. *Fiat ut petitur*, with the ordinar provisioun."

26th July 1631. Supplication by James White, flesher in Auchtermuchtie, for a summons against John Lumsden, miller, whom he accuses of assault.

196. Supplication by James Quhyte, flesher in Achtermuchtie, as follows:—On 1st July instant John Lumsden, miller at the Mill of Achtermuchtie, assailed him with a drawn whinger, gave him a great stroke therewith on the hand, "and baitt the formost finger of my left hand almost off, and if some persons had not tane his teith out of my finger he had assuredlie bittin the same aff." He has consequently "become impotent of the said finger and not able to grippe aniething thairwith" to his great loss, as he is a poor man depending only upon his handy labour. He craves summons against his assailant. [On the back] "*Apud* Halyrudhous, 26 July, 1631. *Fiat ut petitur.*"

26th July 1631. Supplication by Alexander Irving of Beltie anent his wife, who is a Papist.

197. Supplication by Alexander Irwing of Beltie, as follows:—He is charged as undertaker for Isobel Irwing, his wife, for payment of the cautionry of £500 under which he obliged himself that she should either conform or leave the kingdom. He himself has given satisfaction to the Kirk and his said spouse is in the way of being reclaimed "and be processe of tyme there is good hopes that she may be happilie gaynned to the truthe," and he therefore craves a prolongation of the time allowed to her under the same cautionry by him. [On the back] "*Apud* Halyrudhous, 26 July, 1631. Remittis to the Bishops of Ross and Dumblane. HADINTON."

26th July 1631. Supplication by Arthur Sinclair in Tomalonkhart and Alaster M'Innes there anent James M'Inrioche and others who have stolen goods from the supplicants.

198. Supplication by Arthur Sinclare in Tomalonkhart and Alaster McInnes there, as follows:—On 18th April last James McInrioche in Meekle Cragie, John McDonnald McFaile in Daviour and Finlay McMartin in Mussudie were put to the horn at their instance for not appearing before the Justice to underlie the law for stealing certain goods from the supplicants; but they remain contemptuously at the horn; and as John McDonnald McFaile and Donald McJames McInreoch (*sic*) are tenants to Allan McIntosche of Daviot, and the said Finlay

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McMartine is tenant to John McPhersoun of Cragie, they crave that the said Allan McIntosche and Finlay (*sic*) McPhersoun may be charged to exhibit these persons. [On the back] "*Apud* Halyrudhous, 26 July, 1631. *Fiat ut petitur.*"

199. Supplication by the commissioners for the free burghs of the kingdome, as follows:—The liberties anciently secured to the free burghs have been of late greatly impaired by certain specious overtures by particular persons who have nothing in view but their own advantage. For example, Robert Buchane, burgess of Abirdene, under colour of preserving his Majesty's waters from the unseasonable fishing for pearls has obtained a patent by which he appropriates the privilege of fishing for pearls to himself, a commodity "whiche hes bene ever heirtofore customablie reaped by the burrowis," and his so doing is to the prejudice of all others of the lieges. The sense of this moved them to represent the matter to the late Convention of Estates who remitted the matter to their Lordships; and they now crave that their Lordships would give effect thereto by recalling the said patent and suffer the burghs to follow their accustomed trade in seeking for pearls and disposing thereof as formerly. [On the back] "*Apud* Halyrudhouse, 26 July, 1631. The Lords ordain Robert Buchane to be chargit to heare the desyre of the supplicatioun granted. GEO: CANCELL^{S}. I.P.D." 28th July 1631. Supplication by the Commissioners for the free Burghs anent a patent for pearl-fishing which has been secured by Robert Buchan, burgess of Aberdeen.

200. Copy of the Act of Council dated 28th July, 1631 ordaining a proclamation to be made about the leading of teinds (printed *ante* p. 304). 28th July 1631. The leading of teinds.

201. Supplication by James Abircrombie, apparent of Pittelpie, as follows:—On 23rd July instant he was in company with William Jackson, maltman burgess of Dundie, in his own dwelling house there and other places in the said town, and about 11 o'clock at night set out for his father's dwelling house of Pittelpie, when the said William, with many shows of kindness and duty would needs convoy him out of the town, to which the supplicant simply but unwillingly condescended. No sooner, however, had they got out of the town about two pair of butts than "the said Williame first blindfolded me within my awne cloake, tooke my sword frome me, kuist me to the ground, boxed me with his elbowes and knees upon the breast and shoulders and thairby verie cruellie birsed and bruised me, drew out my awin whinger and thairwith hurt and woundit me on the hand to the effusioun of my blood in great quantitie." He would have killed him had not some persons come to his relief. He craves summons against his assailant. [On the back] "*Apud* Halyrudhous, 28 July, 1631. *Fiat ut petitur.*" 28th July 1631. Supplication by James Abercromby, apparent of Pittelpie, for a summons against William Jackson, maltsman, burgess of Dundee, whom he accuses of assault.

202. Supplication by John Murdersone, and George and Adam Storie 28th July 1631.

Supplication by John Murderson and George and Adam Storie for a summons against James Russell and others, whom they accuse of cruelty and assault.

in Brouchtoun, as follows:—On March, 1630, James Russell in Dravae, William Russell, his son and Dicksoun, their servant, came to the ground of their lands in Brouchtoun and drove therefrom a brown horse and a gray mare pertaining to the supplicants, which they first enclosed in a house and afterwards put into the fields, "buckled with rapes about thame, within the quhilks roapes they patt ane certane quantitie of powder, kindled the same and thairby brunt the intralls of the harmelesse beasts quhairthrow they dwynned and pynned away and the meir shortlie thereafter died." Further, on June last, when the said Adam was walking upon his own lands, the said William Russell set upon him fiercely and wounded him with "bauche, blae and bloodie straikes." They crave summons against these persons. [On the back] "*Apud* Halyrudhous, 28 July, 1631. *Fiat ut petitur.*" Miscellaneous Papers.

29th July 1631. Supplication by William Gray, sheriff-clerk of Forfar, and others against John Brown, portioner of Balmaw and others.

203. Supplication by William Gray, sheriff clerk of Forfar, William Burgh, burgess of Dundie, and Marion Dog, widow of William Gray, late sheriff clerk of Forfar, as follows:—John Brown, portioner of Balmaw, has conceived a deadly hatred against them, especially the said William Gray, and with the purpose of taking their lives, threatens them and their tenants, and continually lies in wait for them, so that they are unable to go about in the country with safety. They therefore crave that their oaths may be taken by officers of arms upon the above and the said James Brown placed under caution for their indemnity. [On the back] "*Apud* Halyrudhous, 29 July, 1631. *Fiat ut petitur* under the pane of ane thowsand merks."

29th July 1631. Supplication by Elizabeth Beaton, Lady Fullarton, and others for a summons against Captain John Beaton and others, whom they accuse of various acts of violence.

204. Supplication by Elizabeth Beatoun, Lady Foullertoun, widow of William Foullertoun of that Ilk, Agnes Foullertoun of Crago, and James Graham, their servant, as follows:—On 25th July Captain John Beatoun with a number of others, armed with swords, staves and other weapons, came by way of hamesucken to the dwelling house of the said Lady Foullertoun seeking her of purpose "to have ravished" her, and violently broke up the gates and seven inner doors of chambers and other houses, searched for her through all the corners of the same, and when they could not find her, "she being happilie removed, they keeped the house that night shoaring to burne the same," and so terrified the said Agnes Foullertoun with their threats and other violent carriage that she contracted a heavy sickness from which she is not yet recovered. Thereafter they went to the house of the said James Graham and threatened to take his life if he refused to reveal where Lady Foullertoun was, "whairwith my wife wes so astonished that she lykewayes conceaved ane great sickenesse, of the quhilk she is lyke to dee." Further, on the morrow, when the said Lady Foullertoun came home to her dwelling house accompanied by some of her friends for her defence, the said Captain came to them and "with manie threatnings and execrable

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oathes avowed to kill the man with his awin hand who durst presoome to marie me, and he still lyes at await in that part of the countrie looking for some opportunitie how to surprise me and forciblie to ravishe me." They accordingly crave summons against him. [On the back] "*Apud* Halyrudhous, 29 *die mensis Julij*, 1631. *Fiat ut petitur.*"

205. Supplication by the provost and bailies of Forfar, as follows:— On 31st March last they obtained their Lordships' decree ordaining William Gray, sheriff clerk of Forfar, to make his residence either personally or by a depute at Forfar as the head burgh of the shire for the registration of hornings, relaxations and other deeds, and the 1st of May was assigned to him for this purpose; but he has not obeyed and does not intend to obey the same unless he is compelled. They therefore crave that he be charged to obey under the pain of rebellion. [On the back] "*Apud* Halyrudhous, *primo Augusti*, 1631. *Fiat ut petitur* within tuentie four dayes after the charge. HADINTON."

1st August 1631. Supplication by the magistrates of Forfar anent William Gray, sheriff-clerk of Forfar.

206. Supplication by John Ker of Langnewtoun and William Ker of Mylnerig, as follows:—At a recent meeting with some of their creditors certain proposals were made for their payment which still require their presence in Edinburgh. Their Lordships' protection granted to them on 7th July expired on 1st August, and they crave a continuation. [On the back there are two orders] "*Apud* Halyrudhous, xxvj July, 1631. *Fiat ut petitur* till the first of August nixt:" and "*Apud* Halyrudhous, *secundo Augusti*, 1631. *Fiat ut petitur* till the 23 of September, nixttocome. (Signed) WINTOUN, G. GORDOUNE, PA. B. of ROSS, MELVILL, NAPER, TRAQUAIR, RO: KERR."

2nd August 1631. Supplication by John Ker of Langnewton and William Ker of Mylnerig for protection.

207. Supplication by John Gordoun of Innermarkie, tutor of James Gordoun, now of Rothiemay, as follows:—Their Lordships have decided that he is the legal tutor of the said James Gordoun and that he is to have the administration of him and his estate during his minority, but in respect of his distressed estate, he having nothing at present to maintain himself upon, Catharine Forbes, Lady of Rothiemay, his mother, offered to maintain him freely upon the large jointure which she has out of his living until he gets means of his own, provided she had the upbringing of him. This their Lordships refused and ordered him to be educated at the schools in Aberdein by the advice of the Bishop of Aberdein, and that a pedagogue should be chosen for him by the Bishop of Murray, and he is informed that their Lordships have further decided that the said Lady Rothemay is to have repayment of her charges for maintenance of the said James when he comes to means of his own. Now this is contrary to her first offer and is no benefit at all. The supplicant as his lawful tutor is quite willing to do the same and has the right thereto, and unless his mother stands by her first offer she ought

2nd August 1631. Supplication by John Gordon of Innermarkie, tutor of James Gordon of Rothiemay, anent the education of the said James Gordon.

to have nothing to do with his maintenance. As it is she and her friends have chosen the child's pedagogue without reference to the Bishop of Murray; and as to his being brought up in Aberdein, the foresaid two bishops can testify to their Lordships that he may be brought up better where he was and upon half of the expense. He therefore craves (1) that the said Catharine be ordained to maintain her son freely without repayment or else have no medling therewith; (2) that he have the choice of his pedagogue by the advice of the said two bishops; and (3) that the said bairn be brought up at the schools where these bishops judge he may most conveniently and profitably be educated. [On the back] "*Apud* Halyrudhouse, *secundo Augusti*, 1631. Ordanis the pairtyis to be wairnit. HADINTON."

11th August 1631. Supplication by Alexander Gordon, now of Abergeldie, for letters of removal against Elizabeth Seaton, widow of the late William Gordon of Abergeldie.

208. Supplication by Alexander Gordoun, now of Abiryeldie, as follows:—Some years ago he was heretably infeft in the lands of Abiryeldie under reservation of the liferent of his father, William Gordoun of Abiryeldie, who died in March last. He shortly afterwards obtained warrant from the Lords of Session for the inventorying of the goods within the place of Abiryeldie and his own entering on possession, and his mother, Elizabeth Seatoun, widow of the said deceased William Gordoun, left the said place and went to the place of Knock of which she is liferentrix. But on she came back to the place of Abiryeldie and has taken possession thereof with her family and will not remove. He craves that letters be issued charging her to remove. [On the back] "*Apud* Edinburgh, *undecimo die mensis Augusti*, 1631, *Fiat ut petitur.* S^r^ THOMAS HOPE."

14th August 1631. Letter from the magistrates and council of certain specified burghs to the Council approving the erection of lights on the Isle of May.

209. "Be it kend till all men be thir presentis, Us, the magistrates and counsall of the particular borrowes undersubscryveand haveing considerit matuirlie the reportes maid be our commissioners quho wer convenit at the particular Conventioun of Borrowes haldin at Edinburgh in July last quhat proceidit thair anent the licht desyrit to be erectit upoun the island of May, conforme to his Majesties letter directed for taking ordour thairwith, and that in end that mater was continwet to the day of September nixt, in the mein tyme the commissioneres wer desyrit that the commissioner of everie burgh appointit to be at the nixt meiting the said day sould try of thair best experimentit seafearing men, masteris and awneres of schippes, and of merchandis duelling within our burghes, the expediencie of erecting the said licht upoun the iland forsaid. Conforme to the quhilk desyre, efter tryell thairof, we have fund be the declaratiounes of the persounes foirsaidis within our saidis burghes that the erecting of the licht foirsaid is most expedient and necesser, not onlie for prevening of sic manifold schipwrakis and uthiris hazardis and losses suffered by his Majesties subjectes and strangers in tyme past for defect of lichtis upoun the said iland, quhairby they micht have

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eschewed sic dangerus places lying in the entrie of Foorth, as Inchecap, the Kar and Brigges, in quhilk tyme of darknes they have suffered schipwrak; bot also we have fund be good and trew informatioun that ane licht erectit upoun the said iland will be verie necesser and helpfull not onlie to the preservatioun of schippes repairing from forane nationes towardis this firth in tyme of darknes, bot thairwith speciallie to the fischermen of the burghes on everie syd of this firth and busches quho goes abuscheing out from the entrie of this firth not abone tuentie four mylles or thairby quhilk is ane fischeing fund in experience this yeir and liklie to continew mor profitable nor the fischeing of Orkney or Zeatland; the outred of barkes thair being most chargeable in respect of great and dangerous distance and our fischermen thairby impoverisched; and quhilk tred of fischeing within the space foirsaid to the mouth of this firth can not saiflie nor commodiouslie be imbraced and followit furth without erecting of the licht foirsaid, and will also prevent the uthiris dangers abonespecefeit of all schippes resorting to this firth from forane nationes in tyme of darknes. For the quhilkis causses we, the magistrates and counsall of the saidis burghes, being movit by the comone desyre of our seafearing men and uthiris adventerares by sea, do earnestlie supplicat and beseik yowr lordships of his Majesties most honorabill Privie Counsall that, seing the erecting of the said licht is recomendit be his Majestie and that the samyn may be performit upoun mor easie charges nor is expected be the burrowes, and being so necesser and profitabill a work that so neirlie concernes the comone weill of this land for the reasounes abonespecefeit and eschewing of sic great dangers and losses as the leiges of this realme and strangers hes heirtofor susteanit, that it may pleas yowr lordships tak this to heart and to concluid that the samyn may be tymouslie performit and that the woces of ane few number that for thair awin particulares hes objectit thairaganes be not respectit. And seing we have bein desyrit to give yowr lordships informatioun of quhat we could learne anent the expediencie of erecting of the said licht and that be the tryell of the persounes forsaidis within our particular burghes and findis thame inclynit thairto in maner foirsaid, we have taken occasioun to testifie the samyn to your lordshipis be thir our subscriptiounes at our particulair burghes the fourtein dayes of August j^{m}vj^{c} threttie ane yeires. (Signed)

CRAILL: George Meldrum, baillie off Carraill; Patrik Hunter, bailyie thair; Androw Moncreiff, baillyie; Jhone Dawe thare; Thomas Cunynghame; James Dawe, Dauid Moncriff; William Kid; Robert Mertyne; Androw Daw; Dauid Bald; Arthure Myrtoun; William Carmichell.

PETTINWEME: George Kengzow, bailleiy; James Richesone, baillie; Thomas Benstoune, consel; J. Airthe, consul; John Swyn, consul; Williame Watsone, consull; Jhone Kars, consull; Villiame Thomsoune, consuil; Jhone Crombie, consulle; Thomas Cuik, consull.

ANSTRUTHER ESTER: Robert Alexander, baillie; George Myllie, baillie;

Robertt Law, belze; Dauid Alexander, cunseller; George Hamyltoun, ane off the counsell; Androw Law, maistir; William Alex^r., ane of the counssel; W^m. Andersoun; Jhone Smyth, maister; James Richertson, cownseller; Thomas Martine, ane of counsell; Thomas Houbrone, master. ANSTRUTHER WESTER: J. Rychardsone, bailley: John Thomson, bailze: William Darsy, off the counsell; Thomas Rychardsone, of cownsell; Robertt Pullo, cwnseller; Androw Richertson." Miscellaneous Papers.

5th September 1631. Supplication by Mr. William Jamieson, minister at Langnewton, and others anent the parsonage teinds of the said parish of Langnewton.

210. Supplication by Mr. William Jamesoun, minister at Langnewtoun, John Dobsoun, Andrew Jamesoun, James Brigs, John Rutherfurde, Walter Midlemist, James Adamesoun, William Gray, Patrick Clerk, Michael Fala, John and Walter Allan, George Walker, James and Marion Patersoun, Andrew and William Rutherfurde, and Masie Turnebull, all in Langnewtoun, as follows:—The said Mr. William has the parsonage teinds of the parish kirk of Langnewtoun for his stipend there, and he has set the same in tack to the other persons named, heretors of the said parish, who have in virtue thereof peaceably enjoyed the same for several years past. But notwithstanding this and their Lordships' proclamation as to the leading of teinds, Sir William Ker, son of Sir Robert Ker of Ancrame, Thomas Ker of Palishill, Thomas Ker of Cavers, Andrew Ker of Newhill, William Kerr, son of the deceased Thomas Ker of Cavers, Walter Ker his son, Steven Dowglas in Timpenden, and James Dods and Andrew Broun in Ancrum, as they are informed, intend to uplift the said teinds. They crave that officers of arms be sent to take their oaths hereupon, and that the persons complained upon be put under caution for their indemnity. [On the back] "*Apud* Halyrudhous, 5 *Septembris* 1631. *Fiat ut petitur* under the panes following, viz. the said Sir William Ker under the pane of j^m merks; the said Thomas Ker of Cavers, William Ker, his uncle, Thomas Ker of Pabeshill, Andro Ker of of Newhill, everie ane of thame under the pane of fyve hundreth punds; and everie ane of the remanent persouns under the pane of iiij^c merks.

15th December 1631. Anent the caution by Sir Donald M'Donald of Sleat for the Captain of the Clanranald.

211. Act of Council relative to the cautionry of Sir Donald M^cConeill of Slait for John M^cDonald M^cAllane V^cEane of Ilantirim, captain of the Clanrannald (see *ante* p. 393), signed by GEO. CANCELL^R., DUNKELD, AD. B. of DUNBLANE, MELVILL, ARCH. ACHESON.

Holyrood House, 15th December 1631. Charge to Hector M'Lean, elder and younger, to appear before the Council anent charges

212. Act of Council on the complaint of Lachlan M^cClane of Morverne, second son of Hector M^cClane, elder of Dowart, narrating that out of affection for the standing of his father's house he took upon him the burden of certain great sums of money due by his said father and Hector M^cClane, younger, his elder brother, upon his brother's resignation of the living of Dowart in his favour. Thereupon, having been infeft in the said living, he paid the said debts, uplifting the rents of the said lands, etc., until last Martinmas that his said father and brother, stirred up

Miscellaneous Papers.

against him by Lachlan M^cClane of Coill, Lachlan M^cClane of Ardmoiris, Hector M^cClane of Kellane, John Garrel M^cClane in Crokintely and other disorderly persons in the Isles, gathered together three hundred persons in arms and forbidden weapons and went through the bounds of Dowart, sorning and oppressing the poor people there, compelled them to pay their rents to them, and slew and mutilated their goods and drove the same away, so that the complainer was compelled to give way to them and leave the country. He is his Majesty's vassal and is now incapacitated from paying what he is due as such, and his Majesty's peace is broken in the Isles. The Lords ordain letters to be direct charging the said Hector M^cClane, elder and younger, at the dwelling house of James Logie, their agent, to compear before the Council and answer upon the above complaint. (Signed) GEO: CANCELL^s. I.P.D.

brought against them by Lachlan M'Lean of Morven, son of Hector M'Lean the elder.

213. Copy of the charge of the Commissioners for the Surrenders and Teinds to appear before the Council on 10th January next, printed *ante* p. 398.

22nd December 1631. The Surrenders and Teinds.

214. *Sederunt.*—Lord Lorne; Bishop of Dumblane; Advocate; Sir John Scot.

Edinburgh, 30th March 1632.

This day in presence of the Lords appointed as a Committee of Council to hear the complaints by the Bishop of the Isles against the gentlemen of the Yles who were in Edinburgh for the time, there appeared personally Hector Moir M^cClane, apparent of Dowart, Sir Lachlan M^cClane of Morverne, Hector M^cClane of Keanlochallane, John Garrow M^cClane, and Mr. Hector M^cClane, son of Lachlan M^cClane of Coill, for himself and his father, and became obliged to concur with the Bishop of the Yles and with the ministers and clergy in that diocese and with the Bishop's officials and commissaries, for seeing order and obedience given to Church government and discipline throughout their bounds, and that neither they nor their servants and dependants shall molest the said ministers or officials, but shall duly pay their stipends, and that under the penalties prescribed in the acts made by the Islesmen to the Council. But it is provided that nothing herein shall prejudice the right of the subscribers in such patronages of kirks as they possess. (Signed) Hector M^cClane, youngar of Douart, S^r L. M^cLaine of Morverne, H. M. Kenlochalin, M^r Hector M^cClaine, Eoin Garobh.

Obligation by Hector Moir M'Lean, apparent of Dowart, and others, to support the Kirk within their respective bounds.

"*Apud* Edinburgh *ultimo Martij* 1632. The quhilk day Lauchlane M^cClaine of Coill compeired personallie and subscryved the act abone-writtin for himselfe in maner underwrittin" viz. by the aid of George Campbell, notary.

Above obligation signed by Lachlan M'Lean.

215. Act of Council giving commission to Sir Lachlan M^cClaine of Morverne, to search for, apprehend and present before the heretable

Holyrood House, 13th April 1632.

Commission to Sir Lachlan M'Lean of Morven to apprehend masterless vagabonds within the barony of Dowart, and the Isles of Mull and Tiree.

Justiciar of the bounds all broken Highland men and idle and masterless vagabonds found sorning on and oppressing the lieges and tenants within the barony of Dowart and the isles of Mull and Tiree. They had come in upon occasion of the late differences between Sir Lachlan and some of his friends, but these are now settled and composed and Sir Lachlan is heretably infeft in the said barony; dated at Halyrudhous, 13 April 1632, and signed by GEO: CANCELL^{R}., HADINTON, STRATHERNE, MARSCHALL, WINTOUN, TRAQUAIR, and S. G. ELPHINSTOUN. Miscellaneous Papers.

Holyrood House, 13th April 1632. Supplication by Sir Lachlan M'Lean of Morven for himself and his father and brother that they may be relieved from appearing before the Council on July 10th.

216. Supplication by Sir Lachlan M^{c}Claine of Morverne, knight baronet, for himself, and in name of Hector M^{c}Claine, elder of Dowart, his father, and Hector M^{c}Claine, his brother, as follows:—Their Lordships know how they have attended in Edinburgh for nearly a year so that there is no necessity for their appearance in July next, and their estates require their presence for repairing of the miscariages through the differences which had arisen but are now happily settled, and therefore craving that their appearance on 10th July next may be dispensed with. The Lords assent hereto and dispense with their appearance on that day. Extracted from the books of Privy Council by James Prymrois, clerk thereof.

13th April 1632. Similar supplication.

217. Supplication to the same effect as that immediately preceding by Sir Lachlan M^{c}Claine of Morverne alone. [On the back] "*Apud* Halyrudhous 13 *Aprilis* 1632. *Fiat ut petitur.* GEO: CANCELL^{R}. I.P.D." And there is also the finding of the Lords with regard to him and his father and brother as in the previous act.

13th April 1632. Supplication by Sir Donald M'Donald of Sleat that he may be relieved from appearing before the Council during the present year.

218. Supplication by Sir Donald M^{c}Donnald of Slait, knight baronet, as follows:—About a year since the gentlemen of the Isles petitioned that their yearly compearance might be dispensed with, when upon some complaints their Lordships granted that they should make any such representations yearly in March and promised that if there were no complaints against them they would not be required to appear for a year. He had appeared before their Lordships in February last in the matter of Clanrannald and there is nothing else about which any will complain, and he therefore craves exemption from appearing again this year and that his cautioner for this may be relieved. [On the back] "*Apud* Halyrudhous, 13 *Aprilis* 1632. *Fiat ut petitur.* GEO: CANCELL^{R}. I.P.D."

3rd July 1632. Supplication by the Captain of the Clanranald that he may be relieved from appearing before the Council in July of the present year.

219. Supplication by John M^{c}Donnald M^{c}Allane V^{c}Eane of Ilantirum, Captain of the Clanranald, as follows:—Their Lordships know that he has attended in Edinburgh in March and April last and that he is obliged by his bond to come again at Martinmas to take order with his creditors, and he is persuaded that on this account their Lordships will excuse his appearing before them again in this month of July as there is no complaint laid against him; and he craves accordingly. [On the back] "*Apud* Halyrudhous, 3 July 1632. *Fiat ut petitur*, finding caution to

Miscellaneous Papers.

compeir." And also "*Apud* Halyrudhouse, *quinto* (?) *Julij* 1632. *Fiat ut petitur* provyding that he compeir in November under the pane of ten thousand merkis. GEO: CANCELL^{R}. I.P.D."

220. Supplication by Archibald, Lord of Lorne, Lachlan M^{c}Clane of Coill, and Mr. Neill and Lachlan M^{c}Kynnon, curators to John M^{c}Kynnon of that Ilk, as follows:—"The heavie disease quhairwith it hes pleased God to visite the said Johne M^{c}Kynnoun by depryving him of his speeche and hearing," thus incapacitating him from the management of his affairs, moved their Lordships to dispense with his yearly appearance, they providing cautioners for his otherwise obeying the law. The said Lachlan M^{c}Claine has attended in Edinburgh all this last winter, and being very infirm, cannot well come back to keep the tenth of July, so they crave that their appearance may be dispensed with. [On the back] "*Apud* Halyrudhous, 5 July 1632. *Fiat ut petitur*. GEO: CANCELL^{R}. I.P.D." 5th July 1632. Supplication by Archibald, Lord of Lorne, and others, curators to John Mackinnon of that Ilk, that they may be relieved from appearing before the Council on the 10th of July.

221. Supplication by Neill M^{c}Neill of Bara. Their Lordships have ordered his compearance before them once in every two years in the month of July, a course which has never been taken with any of his quality within the Yles, he not being "chiftane of ane clan nor ane frehalder of his Majestie bot onelie tennent to the Laird of Tarbet," who is answerable for him; and by his coming already but once or twice his mean estate is greatly exhausted, as it takes over three years rent of his living to make the journey to and from Edinburgh. His caution will still stand for his compearance if he is complained against by any one, and therefore he craves that their Lordships will dispense with his appearing. [On the back, but the date is torn away] "*Fiat ut petitur*. GEO: CANCELL^{R}. I.P.D." *c.* July 1632. Supplication by Neill M'Neill of Barra that he may be relieved from appearing before the Council.

222. Fragment of a paper, apparently containing answers by George Home of Manderstoun to objectors against the granting of the protection craved by him. He refers to the King's warrant for apprehending John Neill and delivering him to the Sheriff of Berwick, who was to present him to justice before the Privy Council of Scotland. And now Neill is tried and lawfully condemned. Reference is made to others delated by the deceased Alexander Hamiltoun who died penitent, and to the fact that a commission has been craved to the ministry for examining witnesses thereupon, and the representer desires protection (as was his Majesty's pleasure) for following out this pursuit to its final close; though some of his creditors, and specially some known to be his "malitious unfriends" have protested. The matter is one concerning not only his life and estate but the glory of God and the King's pleasure; and as the parties upon whom he complains are delated to be actors with John Neill, who has now been found guilty by a lawful assise of all the charges laid against him, equity and reason demand that no impediment should be placed in the way of his seeking justice. Undated. Supplication by Sir George Home of Manderstoun.

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